



## BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: 91184456

Filed: 08/06/2010

Title: COMMUNICATION -J DEFENDANT'S  
NOTICE OF RELIANCE

Part 2 of 2

795 Opposer regarding the rankings of trademark by Business Week Magazine.

796  
797 Second, the request is undefined in that the request asks for information  
798 extraterritorial to the U.S.A. and is thus not within the scope or mandate of these  
799 opposition proceedings. As such, non-U.S. references need not be provided.  
800

- 801 16. Notwithstanding communications to the Applicant from the Opposer, no such  
802 documents exist.  
803

804 Second, the request is undefined in that the request asks for information  
805 extraterritorial to the U.S.A. and is thus not within the scope or mandate of these  
806 opposition proceedings. As such, non-U.S. references need not be provided.  
807

- 808 17. No such documents exist regarding the U.S.A.  
809

810 Second, the request is undefined in that the request asks for information  
811 extraterritorial to the U.S.A. and is thus not within the scope or mandate of these  
812 opposition proceedings. As such, non-U.S. references need not be provided.  
813

- 814 18. This request is not directed at finding out whether or not the Applicant's U.S.  
815 trademark application is confusing with the marks of the Opposers but rather is  
816 directing a gathering extraneous information from the Applicant not related or  
817 relevant to this opposition.  
818

819 Second, the request is undefined in that the request asks for information  
820 extraterritorial to the U.S.A. and is thus not within the scope or mandate of these  
821 opposition proceedings. As such, non-U.S. references need not be provided.  
822

- 823 19. This request is not directed at finding out whether or not the Applicant's U.S.  
824 trademark application is confusing with the marks of the Opposers but rather is  
825 directing a gathering extraneous information from the Applicant not related or  
826 relevant to this opposition.  
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28 Second, the request is undefined in that the request asks for information  
29 extraterritorial to the U.S.A. and is thus not within the scope or mandate of these  
30 opposition proceedings. As such, non-U.S. references need not be provided.  
31

- 32 20. This request is not directed at finding out whether or not the Applicant's U.S.  
33 trademark application is confusing with the marks of the Opposers but rather is  
34 directing a gathering extraneous information from the Applicant not related or  
35 relevant to this opposition.  
36

37 Second, the request is undefined in that the request asks for information  
38 extraterritorial to the U.S.A. and is thus not within the scope or mandate of these  
39 opposition proceedings. As such, non-U.S. references need not be provided.  
40

- 41 21. No such documents exist.  
42

- 43 22. The Applicant will take this opportunity to supply the Opposers with the  
44 Applicant's "NOTICE OF RELIANCE (APPLICANT'S EVIDENCE)" as it seems  
45 appropriate at this time to do so. This submission should, therefore, be  
46 considered the Applicant's serving of his "NOTICE OF RELIANCE (APPLICANT'S  
47 EVIDENCE)" to the Opposers' representative as would be customary in such  
48 opposition proceedings (more or less). This should provide the Opposers with the  
49 evidence with which the Applicant intends to rely on in these opposition  
50 proceedings. As is require by current trademark regulations the Applicant will  
51 also supply an original copy to the Trademark Trial and Appeal Board.  
52

- 53 23. A copy of the file history of trademark Application Serial No. 76/596,736 is easily  
54 accessible to the Opposers and their Attorney by logging on to the governments  
55 website "www.uspto.gov" entering "trademarks", then entering "View Full Files  
56 (TDR)", and finally entering the application serial number above. The Applicant  
57 understands the Opposers' Attorney to be a trademark specialist and as such  
58 should know of this website and how to download the requested information  
59 accordingly. This website will, therefore, provide the Opposers' Attorney with the  
60 information he currently seeks without unnecessarily and needless burdening the

Applicant with the downloading, reproduction, and delivery of the information requested.

24. This request is not directed at finding out whether or not the Applicant's U.S. trademark application is confusing with the marks of the Opposers but rather is directing a gathering extraneous information from the Applicant not related or relevant to this opposition.

Second, the request is undefined in that the request asks for information extraterritorial to the U.S.A. and is thus not within the scope or mandate of these opposition proceedings. As such, non-U.S. references need not be provided.



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(212) 318-6754  
nataliefurman@paulhastings.com

January 7, 2009

29172.00141

**VIA UPS**

Robert Victor Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
L2J 2G6  
CANADA

Re: L'Oréal S.A. and L'Oréal USA, Inc. v. Robert Victor Marcon (Opposition  
No. 91184456) – Applicant's Responses to Opposer's Discovery Requests

Dear Mr. Marcon:

As mentioned in our telephone conversation this morning, we have reviewed Applicant's Responses to Opposer's First Set of Requests for Admissions, First Set of Interrogatories, and First Set of Document Requests, and are writing, in accordance with 37 C.F.R. 2.120(e), in a good faith effort to resolve numerous deficiencies that we have identified in those responses.

We first address in a general manner a few issues that appear repeatedly in your responses but which are based on erroneous or unsupported objections or assertions of law. We then list and provide further specificity regarding the requests and responses that we believe to be deficient.

As agreed, we will telephone you on Friday, January 9, 2009 at 11:00 in the morning in order to address the deficiencies identified in this letter and your intent to supplement your responses, and so that the parties may discuss an appropriate timeframe or resolution. Please note that if you refuse to serve full and complete supplemental responses to the requests, Opposer reserves the right to take appropriate action before the Board, including but not limited to filing a motion to compel or, ultimately, to preclude evidence.

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GENERAL DISCOVERY ISSUES

**(1) Applicant must respond to requests with respect to Opposer's common law use of L'OREAL PARIS as well as its registered L'OREAL marks.**

The term "Opposer's L'OREAL PARIS Mark" encompasses all of L'Oreal's rights in the mark L'OREAL PARIS, *whether at common law or registered*. (See Opposer's First Set of Requests for Admissions, Definitions and Instructions No. 5). To the extent that Applicant has responded to questions about Opposer's L'OREAL PARIS Mark by referring only to registered marks and failing or refusing to address common law use, Applicant's responses are deficient and require clarification and/or supplementation.

**(2) Applicant's objections based on irrelevance or immateriality are unmerited, are unsupported by any authority, and are inconsistent with the broad scope of discovery permitted by the Trademark Trial and Appeal Board.**

Applicant objects to several requests as irrelevant and immaterial because, in Applicant's view, the requests do not relate to the likelihood of confusion between the parties' marks. Applicant is incorrect as to the permissible scope of discovery and its obligation to respond.

First, the scope of discovery is very broad, generally permitting discovery of all non-privileged information that is relevant or likely to lead to admissible evidence relating to any claim or defense. Federal Rule of Civil Procedure 26(b)(1), which governs the scope of discovery in Opposition proceedings before the Trademark Trial and Appeal Board (the "TTAB" or the "Board"), specifically states that "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter." Fed. R. Civ. P. 26(b)(1). *See also* Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 402.01. The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed unless it is clear, *beyond any doubt*, that the information sought can have *no possible bearing upon the issues* involved in the particular proceeding." *Varian Associates v. Fairfield-Noble Corporation*, 188 U.S.P.Q. 581, 583 (T.T.A.B. 1975) (emphasis added). The Board has specifically found that "[i]nformation concerning a party's selection and adoption of its involved mark is generally discoverable (particularly of a defendant)" and that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's involved mark, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable." TBMP §§ 414(4), 414(19).

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Second, Opposer respectfully reminds Applicant that the Notice of Opposition states claims for both likelihood of confusion and dilution of a famous mark.<sup>1</sup> Discovery regarding factors relevant to both of those claims is therefore appropriate. In stating that certain information is irrelevant to the Opposition proceeding, Applicant misstates the factors relevant to the Board's likelihood of confusion analysis and ignores Opposer's dilution claim entirely. Most significantly, Applicant's intent in selecting the mark L'OREAL PARIS is an evidentiary factor relevant to Opposer's allegations of likelihood of confusion and of dilution. *See e.g., DC Comics v. Pan American Grain Mfg. Co., Inc.*, 77 U.S.P.Q.2d 1220 (T.T.A.B. 2005) (applicant's bad faith intent in selecting its mark is strong evidence of a likelihood of confusion); 4 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition (hereinafter "McCarthy") §§ 23:108, 23:110 (4<sup>th</sup> ed. 2008) (evidence of applicant's intent to deceive or confuse consumers and/or to free-ride on opposer's reputation in selecting its mark is relevant to the likelihood of confusion analysis in an Opposition proceeding); McCarthy § 24:119 (applicant's intent to create an association with opposer's famous mark is relevant as an evidentiary factor for dilution claims); 15 U.S.C. § 1125(c)(2)(B)(v) (junior user's intent in selecting a famous mark is relevant to determining whether there is a likelihood of dilution)). Therefore, information about and documents pertaining to Applicant's selection of the mark L'OREAL PARIS, including any evidence of Applicant's pattern of selecting famous marks, is highly relevant to this Opposition proceeding. Applicant must respond to discovery requests seeking such information and documents.

Third, the requirement that Applicant have a bona fide intent to use the mark in commerce is a guard against misuse of the intent-to-use system by applicants who seek to register marks for improper purposes, such as to preclude others from using a mark, to weaken another party's trademark rights, to make a philosophical statement about the scope of trademark protection, or for any reason other than having an actual intent to use the mark in commerce. An applicant's complete lack of documentary evidence regarding its intent to use the mark, as well as evidence that an applicant has filed numerous other applications for disparate goods without the capacity or plans to produce any such goods, could be factors in establishing whether an applicant had a bona fide intent to use the applied-for mark in connection with the applied-for goods. *Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 U.S.P.Q.2d 1503, 1507-08 (T.T.A.B. 1993) (discussing the meaning of "bona fide intent to use" and holding that "[t]he fact that applicant ... admits that it does not have a single document regarding its intent to use [the mark at issue] is a factor to be considered in deciding the issue of whether applicant's intent is bona fide"); *Lane Ltd. v. Jackson International Trading Co.*, 33 U.S.P.Q.2d 1351, 1355-56 (T.T.A.B. 1994) (discussing the legislative history of the Trademark Law Revision Act of 1988 regarding the meaning of the term "bona fide intent to use" and citing specific examples of

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<sup>1</sup> We note, as a clarifying point for your benefit, that although dilution forms a basis for Opposition in an inter partes proceeding, it is not a ground for ex parte refusal to register a mark by the Trademark Office, and the Trademark Office would therefore have had no occasion to consider the factors relevant to a dilution analysis. *See generally* McCarthy § 24:100.

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circumstances that could cast doubt on or disprove an applicant's bona fide intent to use, including "an excessive number of intent-to-use applications in relation to the number of products the applicant is likely to introduce under the applied- for marks during the pendency of the applications").

The requests regarding Applicant's other marks are therefore relevant, and a response is required.

**(3) Applicant's objections based on "extraterritoriality" are unsupported by any authority. As an applicant seeking a U.S. trademark registration, Applicant must provide the requested discovery.**

Applicant objects to several requests and refuses to provide responses or documents to the extent that the requests may seek information or documents "extraterritorial" to the United States, but provides no authority for its position. As an applicant for a United States trademark registration, who is seeking the protection of United States trademark law, Applicant cannot rely on extraterritoriality as an objection to providing responses. U.S. discovery rules permit discovery outside the United States using traditional discovery tools, such as interrogatories and document requests, when a party is subject to the personal jurisdiction of the court or agency. *See generally Double J. of Broward, Inc. v. Skalony Sportswear GmbH*, 21 U.S.P.Q.2d 1609 (T.T.A.B. 1991) (discussing *Société Nationale Industrielle Aerospatiale v. U.S. District Court for the Southern District of Iowa*, 482 U.S. 522 (1987)); *McCarthy* § 20:114. Applicant must supplement his responses under the Federal Rules of Civil Procedure.

SPECIFIC REQUESTS FOR ADMISSIONS AND RESPONSES

As an initial matter, please confirm that Applicant's use of the term "acknowledges" (e.g., "Applicant acknowledges the Opposers' statement") is to be understood as an admission, and that the term "disagrees" (e.g., "Applicant disagrees with the Opposers' statement") is to be understood as a denial, under Fed. R. Civ. P. 36.

Request for Admission No. 2

Fed. R. Civ. P. 36(a)(4) provides that Applicant must admit so much of the request as is true ("when good faith requires that a party qualify an answer or deny only part of a matter, the answer must specify the part admitted and qualify or deny the rest"). The request asks Applicant to admit that "Opposer's rights in Opposer's L'OREAL Mark and in Opposer's L'OREAL PARIS Mark predate the filing by Applicant of the subject application for Applicant's Mark." As stated above, the term "Opposer's L'OREAL PARIS Mark" includes common law use of that mark. Applicant's comments regarding dissection of the marks and the parties' respective goods are irrelevant to the inquiry. Please supplement Applicant's response to respond to the question of whether Opposer's

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rights – by registration or by common law – in L'OREAL and L'OREAL PARIS predate the filing of the application that is the subject of this Opposition proceeding. Please also clarify which portion of the response relates to which mark.

Request for Admission Nos. 4, 18, 19, 20, 22

Please clarify and/or supplement Applicant's response in light of the fact that the term "Opposer's L'OREAL PARIS Mark" includes the common law trademark.

Request for Admission Nos. 26-37, 39

Applicant's history and pattern of filing intent-to-use applications for marks that are identical to previously-registered famous or well-known marks is relevant (i) to Applicant's good or bad faith in selecting the L'OREAL PARIS mark at issue in this proceeding and (ii) to Applicant's bona fide intent to use that mark in commerce, and Applicant's possible misuse of the intent-to-use system. Far from being irrelevant and immaterial, the information sought is directly relevant both to the likelihood of confusion analysis and to the dilution analysis. Please respond to the requests.

Request for Admission No. 41

Please clarify and/or supplement Applicant's response in light of the fact that the term "Opposer's L'OREAL PARIS Mark" includes the common law trademark.

In addition, Applicant's response is unclear regarding whether "Applicant was aware that Applicant's Mark as used in connection with perfumes and fragrances; shaving balms, lotions, creams, and soaps; and sunscreens and tanning balms would create a likelihood of confusion with Opposer's L'OREAL Mark ... and specifically that it would create a likelihood of confusion with Opposer's L'OREAL mark that is the subject of Registration No. 540,541 for 'rouge, face cream, hair lotion, hand cream, eye shadow, face lotion, perfume, cologne, nail polish, suntan oil and face powder.'" Please clarify the response with respect to Opposer's L'OREAL Mark as distinct from Opposer's L'OREAL PARIS Mark.

Request for Admission No. 43

Please clarify and/or supplement Applicant's response in light of the fact that the term "Opposer's L'OREAL PARIS Mark" includes the common law trademark.

In addition, Applicant's reply is not responsive to the inquiry. Applicant's reference to the "nature of wares" is irrelevant, because the request relates to the filing of the application and the signing of the declaration, at which time the application included perfumes and fragrances, shaving balms, lotions, creams and soaps, and sunscreens and tanning balms

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(as admitted by Applicant and supported by the record). Applicant's explanation regarding the Trademark Office's role in safeguarding existing trademarks is also irrelevant, because the inquiry relates to Applicant's knowledge and actions, not to those of the Trademark Office. Accordingly, please respond to Request for Admission No. 43, specifically whether Applicant signed the referenced declaration while (i) being aware of Opposer's existing registration for L'OREAL in connection with cosmetics, (ii) being aware of Opposer's common law use of L'OREAL and L'OREAL PARIS in connection with cosmetics, (iii) being aware of Opposer's registration for L'OREAL for goods that are identical or very closely related to goods identified in Applicant's application (i.e., perfume and cologne, face cream, face lotion, and hand cream and suntan oil).

Request for Admission No. 46

Pursuant to Fed. R. Civ. P. 36(a)(4), Applicant must admit so much of the request for admission as is true. Please clarify Applicant's response regarding whether Applicant lacks the capacity to manufacture or sell aloe vera drinks.

Request for Admission No. 47

Applicant's reply is not responsive to the inquiry. Specifically, the request does not address whether consumers associate Opposer's marks with aloe vera drinks, but whether consumers associate the L'OREAL PARIS name with Opposer's L'Oreal name, Opposer's L'OREAL Mark, and Opposer's L'OREAL PARIS Mark. Please respond accordingly.

Request for Admission No. 48

Please clarify and/or supplement Applicant's response in light of the fact that the term "Opposer's L'OREAL PARIS Mark" includes the common law trademark. In addition, Applicant's response is not responsive to the specific request, which addresses whether Applicant intends to trade on the goodwill and brand awareness developed by Opposer in its marks (regardless of the goods at issue). Please respond accordingly.

Request for Admission No. 50

Applicant's response that "beverages containing aloe vera are not uncommon" is not responsive to the inquiry. Please clarify that Applicant's statement that it does not have sufficient information to respond to "which is the dominant sector" is intended as a response to which sector is more commonly associated with aloe vera (i.e., that Applicant's use of "dominant" refers to the dominance of the association in the mind of the consumer, rather than to the market size).

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Page 7

Request for Admission No. 51

Applicant's response to this request is limited to Opposer's L'OREAL Marks. Please confirm that Applicant is denying any awareness that Opposer sold personal care products under other marks (including but not limited to the L'OREAL PARIS Mark).

Request for Admission No. 62

Please clarify and/or supplement Applicant's response in light of the fact that the term "Opposer's L'OREAL PARIS Mark" includes the common law trademark.

SPECIFIC INTERROGATORIES AND RESPONSES

Interrogatory Nos. 1-2

Applicant's characterization of these requests as "superfluous questions regarding trademark origins or genesis [that] are questions non-critical to the outcome of the present case and serve only to cloud the important issues which are truly relevant" is without merit, and Applicant's objections based on irrelevance and immateriality are improper. As explained above, information about a party's selection and adoption of its mark, information about a defendant's awareness of plaintiff's use of plaintiff's mark, and information about the identity and location of persons having knowledge of any discoverable matter are all clearly proper subjects for discovery. TBMP §§ 402.01, 414. Accordingly, please provide complete responses.

Interrogatory Nos. 3-4

As explained above, information about use of Applicant's Mark in the United States, or regarding confusion between the parties' marks, is discoverable regardless of whether the information was obtained or is maintained within or outside of the United States. Please clarify whether any such information exists and, if so, identify as requested.

Interrogatory No. 5

Please confirm that Applicant's filing of its trademark application is the only fact that supports and evidences Applicant's bona fide intent to use Applicant's Mark in commerce *as of the filing date* and continuing to date.

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Interrogatory No. 9

Applicant's reply is not directly responsive to the question. Applicant states that it does not know of any company "that markets wares similar to those of Opposer and also sells aloe vera drinks." However, the interrogatory requests that Applicant state any third party of which it is aware that offers both personal care products and *herbal, mineral, or botanical products*. The inquiry is not limited to aloe vera drinks. Please respond to the interrogatory as asked.

Interrogatory Nos. 11-12

Applicant appears to be objecting to these interrogatories as irrelevant and as overly broad to the extent that they seek "information extraterritorial to the U.S.A." As stated above, however, the scope of discovery is broad and discovery is "generously allowed unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding." That is clearly not the case with the requested information, which is relevant to Applicant's intent and ability to use Applicant's Mark, and potentially to other relevant information such as channels of trade, likely consumers, and good or bad faith in applying for the mark. Accordingly, please respond to the requests.

Interrogatory No. 13

Applicant failed to respond to Interrogatory No. 13. Please do so.

SPECIFIC DOCUMENT REQUESTS AND RESPONSES

Document Request Nos. 2-3

As mentioned above, documents located outside of the United States are discoverable under the Federal Rules of Civil Procedure. Please produce the requested documents, or confirm that none exist.

Document Request No. 4

As mentioned above, documents located outside of the United States are discoverable under the Federal Rules of Civil Procedure. Please produce the requested documents, or confirm that Applicant has no documentary evidence regarding its bona fide intent to use Applicant's Mark in commerce in the United States.



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Document Request No. 11

Applicant's reply is not directly responsive to the request. Applicant states that no responsive documents exist because Applicant does not know of any company "that markets wares similar to those of Opposer and also sells aloe vera drinks." However, the document request seeks "[d]ocuments showing, referring or relating to all third parties of which Applicant is aware that advertise, promote, offer, or sell both cosmetics or personal care goods and *herbal, mineral, or botanical products*" (emphasis added). The inquiry is not limited to aloe vera drinks. Please respond to the request as asked.

Document Request Nos. 13-17

As mentioned above, documents located outside of the United States are discoverable under the Federal Rules of Civil Procedure. Please produce the requested documents, or confirm that none exist.

Document Request No. 18

To the extent that Applicant objects to this request as irrelevant, we note again that information about Applicant's pattern or history of applying for a mark previously-registered or widely used by another party is directly relevant to Applicant's good or bad faith adoption of the mark, which is a factor in both likelihood of confusion analysis and dilution analysis, and to Applicant's purported bona fide intent to use the mark in commerce. That objection therefore does not stand. In addition, to the extent that Applicant objects to this request based on extraterritoriality, we note that as mentioned above, documents located outside of the United States are discoverable under the Federal Rules of Civil Procedure. Please produce the requested documents, or confirm that none exist.

Document Request Nos. 19-20

Applicant appears to be objecting to these interrogatories as irrelevant and as overly broad to the extent that they seek "information extraterritorial to the U.S.A." As stated above, however, the scope of discovery is broad and discovery is "generously allowed unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding." That is clearly not the case with the requested information, which is relevant to Applicant's intent and ability to use Applicant's Mark, and potentially to other relevant information such as channels of trade, likely consumers, and good or bad faith in applying for the mark. Accordingly, please produce the requested documents, or confirm that none exist.

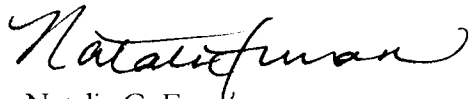
Robert Victor Marcon  
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Page 10

Document Request No. 24

The information sought by this request may be relevant to or likely to lead to admissible evidence relating to the claims or defenses in this Opposition Proceeding, and, as such, is within the permissible scope of discovery. Please produce relevant non-privileged documents.

We recognize that it may take some time to prepare supplemental responses. In all events, as mentioned when we spoke earlier, we believe that a sixty day extension of the discovery period and subsequent trial dates makes sense, and we request your consent to such an extension. Absent your consent, we are prepared to move the Board to grant such an extension in the interest of ensuring an orderly proceeding. For our conversation on Friday, January 9, 2009, please be prepared to inform us of whether you consent to a sixty day extension, as well as of your willingness to address the deficiencies identified in this letter and your intent to supplement your responses. As mentioned, Opposer reserves the right to take appropriate action before the Board, including a motion to compel and/or preclude, if you refuse to supplement the discovery responses. However, we hope that will not be necessary and that the parties can resolve the discovery matters amicably and with minimal expense.

Very truly yours,



Natalie G. Furnham  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: Robert L. Sherman, Esq.

1                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                   **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
3                   **(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**  
4  
5

6       **Opposition No.:**                               **91184456**  
7       **TRADEMARK:**                               **L'OREAL PARIS**  
8       **Application Serial No.:**               **76596736**  
9       **Applicant(s):**                             Robert Victor Marcon  
10      **Opposer(s):**                              L'Oreal USA, Inc. and L'Oreal S.A.  
11      **Opposer(s) Attorney:**               Robert L. Sherman  
12      **Reply Number:**                         Communication - C  
13      **Number of Pages:**                     One hundred and thirty-six (136)  
14  
15  
16  
17  
18

19                               **CERTIFICATE OF SERVICE**  
20

21      **Certification:**           The undersigned hereby certifies that a true and complete copy of  
22                                       the foregoing correspondence has been served on the Opposers'  
23                                       representative "ROBERT L. SHERMAN" by mailing said copy via  
24                                       the U.S. Postal Service using FIRST CLASS CERTIFIED MAIL,  
25                                       postage prepaid, to "Robert L. Sherman, Paul, Hastings, Janofsky  
26                                       & Walker LLP, 75 East 55th Street, New York, New York, U.S.A.,  
27                                       10022".  
28

29                               **Certified Mail Serial No.:**               **7006 2760 0002 7851 3877**

30                               **Date of Deposit:**                               **7 February 2009**

31  
32                               **Depositor's Signature:** Robert Marcon (Robert Marcon)  
33  
34  
35

**CASE PARTICULARS**

**APPLICANT INFORMATION**

**Name of Applicant:** Robert Victor Marcon  
**Mailing Address:** Street: 3471 Sinnicks Avenue  
City/Province: Niagara Falls, Ontario  
Country: Canada  
Zip Code: L2J 2G6  
**Other Communications:** Telephone: (905) 354-2543

**OPPOSERS' INFORMATION**

**First Opposer:** L'Oreal USA, Inc.  
**Mailing Address:** 575 Fifth Ave., New York, NY, U.S.A., 10017  
**Other Communications:** Unknown

**Second Opposer:** L'Oreal S.A.  
**Mailing Address:** L'Oreal S.A., 14 rue Royale, Paris, France, 75008  
**Other Communications:** Unknown

**Opposers' Attorney:** Robert L. Sherman,  
Paul, Hastings, Janofsky & Walker LLP  
**Mailing Address:** Street: 75 East 55th Street  
City/State: New York, New York  
Country: U.S.A.  
Zip Code: 10022  
**Other Communications:** Telephone: (212) 318-6000  
e-mail: rls@paulhastings.com

**IN THE MATTER OF an Opposition by**  
**L'Oreal USA, Inc. and L'Oreal S.A.**  
**to Application Serial No. 76/596,736 filed by**  
**Robert Victor Marcon**  
**for the trademark "L'OREAL PARIS"**  
**(Opposition No. 91184456)**

**COMMUNICATION - C**  
**RESPONSE TO OPPOSERS' REQUESTS (SUPPLEMENTARY)**

This is a response to the letter mailed January 7, 2009 by the Opposers' representative, namely, Natalie Furman of Paul, Hastings, Janofsky & Walker LLP to the Applicant herein, namely, Robert Victor Marcon. Said letter consists of three (3) requests which include:

- (1) General Discovery Issues;
- (2) Specific Requests for Admissions and Responses;
- (3) Specific Interrogatories and Responses; and
- (4) Specific Document Requests and Responses.

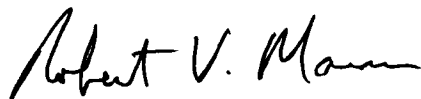
Therefore, in accordance with current trademark protocols and procedures the Applicant will provide the requested information and/or documents to the Opposers' representative as appropriate.

Note also, that the Applicant will respond to each request made by the Opposers' representative in the same sequence and order as was presented in her letter thereby avoiding unnecessary paperwork and duplication (a copy of the Attorney's letter is herein included as reference).

Included also in this communication are the following four (4) items totalling one hundred and thirty-six (136) pages:

- (1) Applicant's response to the Opposers' "Specific Requests for Admissions and Responses";
- (2) Applicant's response to the Opposers' "Specific Interrogatories and Responses";
- (3) Applicant's response to the Opposers' "Specific Document Requests and Responses";
- (4) Corresponding documents to the above responses as appropriate; and
- (5) A copy of the aforesaid Attorney letter mailed January 7, 2009.

Respectfully submitted,



Robert V. Marcon,  
Applicant Pro Se  
7 February 2009

**Applicant's Supplementary Response To The Opposers'**  
**"Specific Requests for Admissions and Responses"**

Initial Matter

The Applicant will confirm the Applicant's use of the term "acknowledges" is to be understood as an "ADMISSION", and that the term "disagrees" is to be understood as a "DENIAL" under Fed. R. Civ. P.36..

Request for Admission No.2

In regards to the Opposers' "L'OREAL" mark -- the Applicant acknowledges said statement. In regards to the Opposers' "L'OREAL PARIS" mark -- the Applicant disagrees with said statement as there are no registered marks or applications utilizing the words "L'OREAL PARIS" that predate the Applicant's filing. In regards to the Opposers' common law "L'OREAL PARIS" mark -- the Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

Request for Admission No.4

Applicant acknowledges said statement. That is, the Applicant's mark is identical to the Opposers' claimed "L'OREAL PARIS" common law mark.

Request for Admission No.18

Applicant acknowledges said statement.

Request for Admission No.19

Applicant acknowledges said statement.

Request for Admission No.20

Applicant acknowledges said statement.

Request for Admission No.22

Applicant was aware of the dead "L'OREAL PARIS" marks belonging to the Opposer prior to applying for federal registration of the Applicant's mark. However, in regards to the Opposers' claimed common law marks bearing the words "L'OREAL

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PARIS" the Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

Request for Admission No.26

In the Opposers' current letter to the Applicant the Opposers have stated on Page 2 that "the scope of discovery is very broad, generally permitting discovery of all non-privileged information **that is relevant or likely to lead to admissible evidence relating to any claim or defence**".

Furthermore, the Opposers have remarked that "The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed **unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding**." *Varian Associates v. Fairfield-Noble Corporation*, 188 U.S.P.Q. 581,583 (T,T.A.B. 1975)(emphasis added).

The Opposers have also declared that the Board has specifically found "[i]nformation concerning a party's selection and adoption of its **involved mark** is generally discoverable (particularly of a defendant)" and that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable." TTMP > > 414(4), 414(19).

The Applicant therefore maintains that the Board's intentions are directed to admissions, interrogatories, and documents regarding only the plaintiff's **involved mark** and not to other marks extraneous to that directive. Since the Applicant's other marks do not consist, comprise nor utilize any portion or element of the Opposers' registered, common law or proposed marks the Applicant's other marks are clearly extraneous to these opposition proceedings and so will have no possible bearing upon the issues involved or outcome thereof. Thus, the Applicant contends that said marks are "beyond any doubt" irrelevant and so the request need not be answered.

However, though the Applicant declines to respond to this request, the Applicant will inform the Opposers that any records or documentation regarding the filing, prosecution and/or appeal of the Applicant's other marks are readily available to the Opposers and their Attorney by logging on to the United States Patent and Trademark Office at "www.uspto.gov" and selecting the trademarks section. All trademarks



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belonging to the Applicant can easily be found by entering the Applicant's name therein. Next, all files belonging to each mark sought can be viewed by searching "View Full Files (TDR)" and entering the serial number for the mark desired.

The Applicant presumes that the Opposers' Attorney is fully aware of the information provided therein and how to access it. If the Opposers' Attorney so desires he may, therefore, quickly reference these marks and download and print the information needed without unduly and unnecessarily burdening the Applicant.

Request for Admission No.27

In the Opposers' current letter to the Applicant the Opposers have stated on Page 2 that "the scope of discovery is very broad, generally permitting discovery of all non-privileged information **that is relevant or likely to lead to admissible evidence relating to any claim or defence**".

Furthermore, the Opposers have remarked that "The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed **unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding**." *Varian Associates v. Fairfield-Noble Corporation*, 188 U.S.P.Q. 581,583 (T.T.A.B. 1975)(emphasis added).

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237 Opposers and their Attorney by logging on to the United States Patent and Trademark  
238 Office at "www.uspto.gov" and selecting the trademarks section. All trademarks  
239 belonging to the Applicant can easily be found by entering the Applicant's name therein.  
240 Next, all files belonging to each mark sought can be viewed by searching "View Full  
241 Files (TDR)" and entering the serial number for the mark desired.

242 The Applicant presumes that the Opposers' Attorney is fully aware of the  
243 information provided therein and how to access it. If the Opposers' Attorney so desires  
244 he may, therefore, quickly reference these marks and download and print the information  
245 needed without unduly and unnecessarily burdening the Applicant.

246  
247 Request for Admission No.28

248 In the Opposers' current letter to the Applicant the Opposers have stated on Page  
249 2 that "the scope of discovery is very broad, generally permitting discovery of all non-  
250 privileged information **that is relevant or likely to lead to admissible evidence relating**  
251 **to any claim or defence**".

252 Furthermore, the Opposers have remarked that "The Board has clearly stated that  
253 "[i]t has been generally held that the requirement of relevance must be construed  
254 liberally and that discovery should, therefore, be generously allowed **unless it is clear,**  
255 **beyond any doubt, that the information sought can have no possible bearing upon**  
256 **the issues involved in the particular proceeding.**" Varian Associates v. Fairfield-Noble  
257 Corporation, 188 U.S.P.Q. 581,583 (T,T.A.B. 1975)(emphasis added).

258 The Opposers have also declared that the Board has specifically found  
259 "[i]nformation concerning a party's selection and adoption of its **involved mark** is  
260 generally discoverable (particularly of a defendant)" and that "information concerning a  
261 defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including  
262 whether defendant has actual knowledge thereof, and, if so, when and under what  
263 circumstances it acquired such knowledge, is discoverable." TTMP >> 414(4), 414(19).

264 The Applicant therefore maintains that the Board's intentions are directed to  
265 admissions, interrogatories, and documents regarding only the plaintiff's **involved mark**  
266 and not to other marks extraneous to that directive. Since the Applicant's other marks

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do not consist, comprise nor utilize any portion or element of the Opposers' registered, common law or proposed marks the Applicant's other marks are clearly extraneous to these opposition proceedings and so will have no possible bearing upon the issues involved or outcome thereof. Thus, the Applicant contends that said marks are "beyond any doubt" irrelevant and so the request need not be answered.

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The Applicant presumes that the Opposers' Attorney is fully aware of the information provided therein and how to access it. If the Opposers' Attorney so desires he may, therefore, quickly reference these marks and download and print the information needed without unduly and unnecessarily burdening the Applicant.

Request for Admission No.29

In the Opposers' current letter to the Applicant the Opposers have stated on Page 2 that "the scope of discovery is very broad, generally permitting discovery of all non-privileged information **that is relevant or likely to lead to admissible evidence relating to any claim or defence**".

Furthermore, the Opposers have remarked that "The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed **unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding**." Varian Associates v. Fairfield-Noble Corporation, 188 U.S.P.Q. 581,583 (T,T.A.B. 1975)(emphasis added).

The Opposers have also declared that the Board has specifically found "[i]nformation concerning a party's selection and adoption of its **involved mark** is generally discoverable (particularly of a defendant)" and that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including

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whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable." TTMP >> 414(4), 414(19).

The Applicant therefore maintains that the Board's intentions are directed to admissions, interrogatories, and documents regarding only the plaintiff's **involved mark** and not to other marks extraneous to that directive. Since the Applicant's other marks do not consist, comprise nor utilize any portion or element of the Opposers' registered, common law or proposed marks the Applicant's other marks are clearly extraneous to these opposition proceedings and so will have no possible bearing upon the issues involved or outcome thereof. Thus, the Applicant contends that said marks are "beyond any doubt" irrelevant and so the request need not be answered.

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#### Request for Admission No.30

In the Opposers' current letter to the Applicant the Opposers have stated on Page 2 that "the scope of discovery is very broad, generally permitting discovery of all non-privileged information **that is relevant or likely to lead to admissible evidence relating to any claim or defence**".

Furthermore, the Opposers have remarked that "The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed **unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon**

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333 **the issues involved in the particular proceeding.**" Varian Associates v. Fairfield-Noble  
334 Corporation, 188 U.S.P.Q. 581,583 (T.T.A.B. 1975)(emphasis added).

335 The Opposers have also declared that the Board has specifically found  
336 "[i]nformation concerning a party's selection and adoption of its **involved mark** is  
337 generally discoverable (particularly of a defendant)" and that "information concerning a  
338 defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including  
339 whether defendant has actual knowledge thereof, and, if so, when and under what  
340 circumstances it acquired such knowledge, is discoverable." TTMP >> 414(4), 414(19).

341 The Applicant therefore maintains that the Board's intentions are directed to  
342 admissions, interrogatories, and documents regarding only the plaintiff's **involved mark**  
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357 The Applicant presumes that the Opposers' Attorney is fully aware of the  
358 information provided therein and how to access it. If the Opposers' Attorney so desires  
359 he may, therefore, quickly reference these marks and download and print the information  
360 needed without unduly and unnecessarily burdening the Applicant.

361  
362 Request for Admission No.31

363 In the Opposers' current letter to the Applicant the Opposers have stated on Page  
364 2 that "the scope of discovery is very broad, generally permitting discovery of all non-  
365 privileged information **that is relevant or likely to lead to admissible evidence relating**

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366 to any claim or defence".

367 Furthermore, the Opposers have remarked that "The Board has clearly stated that  
368 "[i]t has been generally held that the requirement of relevance must be construed  
369 liberally and that discovery should, therefore, be generously allowed **unless it is clear,**  
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399 Request for Admission No.32

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Request for Admission No.33

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The Opposers have also declared that the Board has specifically found "[i]nformation concerning a party's selection and adoption of its **involved mark** is generally discoverable (particularly of a defendant)" and that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable." TTMP > > 414(4), 414(19).

The Applicant therefore maintains that the Board's intentions are directed to admissions, interrogatories, and documents regarding only the plaintiff's **involved mark** and not to other marks extraneous to that directive. Since the Applicant's other marks do not consist, comprise nor utilize any portion or element of the Opposers' registered, common law or proposed marks the Applicant's other marks are clearly extraneous to these opposition proceedings and so will have no possible bearing upon the issues involved or outcome thereof. Thus, the Applicant contends that said marks are "beyond any doubt" irrelevant and so the request need not be answered.

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Request for Admission No.34

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Furthermore, the Opposers have remarked that "The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed **unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding**." Varian Associates v. Fairfield-Noble Corporation, 188 U.S.P.Q. 581,583 (T,T.A.B. 1975)(emphasis added).

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Request for Admission No.35

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554 2 that "the scope of discovery is very broad, generally permitting discovery of all non-  
555 privileged information **that is relevant or likely to lead to admissible evidence relating**  
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563 The Opposers have also declared that the Board has specifically found

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

"[i]nformation concerning a party's selection and adoption of its **involved mark** is generally discoverable (particularly of a defendant)" and that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable." TTMP > > 414(4), 414(19).

The Applicant therefore maintains that the Board's intentions are directed to admissions, interrogatories, and documents regarding only the plaintiff's **involved mark** and not to other marks extraneous to that directive. Since the Applicant's other marks do not consist, comprise nor utilize any portion or element of the Opposers' registered, common law or proposed marks the Applicant's other marks are clearly extraneous to these opposition proceedings and so will have no possible bearing upon the issues involved or outcome thereof. Thus, the Applicant contends that said marks are "beyond any doubt" irrelevant and so the request need not be answered.

However, though the Applicant declines to respond to this request, the Applicant will inform the Opposers that any records or documentation regarding the filing, prosecution and/or appeal of the Applicant's other marks are readily available to the Opposers' and their Attorney by logging on to the United States Patent and Trademark Office at "www.uspto.gov" and selecting the trademarks section. All trademarks belonging to the Applicant can easily be found by entering the Applicant's name therein. Next, all files belonging to each mark sought can be viewed by searching "View Full Files (TDR)" and entering the serial number for the mark desired.

The Applicant presumes that the Opposers' Attorney is fully aware of the information provided therein and how to access it. If the Opposers' Attorney so desires he may, therefore, quickly reference these marks and download and print the information needed without unduly and unnecessarily burdening the Applicant.

Request for Admission No.37

The Applicant disagrees with said statement. That is, the Applicant has always had a bona fide intent to use said marks.

Request for Admission No.39

The Applicant disagrees with the Opposers. That is, the Applicant has always had a bona fide intent to use the mark "L'OREAL PARIS" in commerce and not to make

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C  
a philosophical point about trademark protection.

Request for Admission No.41

The Applicant disagrees with said statement. That is the Applicant did not believe that at the time of filing the Opposers' "L'OREAL" mark would be confusing with the Applicant's mark. In regards to the Opposers' dead "L'OREAL PARIS" marks -- the Applicant did not believe that at the time of filing there would be confusion with the Applicant's mark. In regards to the Opposers' common law rights in the "L'OREAL PARIS" mark -- the Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

Request for Admission No.43

The Applicant disagrees with said statement. That is the Applicant did not believe that at the time of filing the Opposers' "L'OREAL" mark would be confusion with the Applicant's mark. In regards to the Opposers' dead "L'OREAL PARIS" marks -- the Applicant did not believe that at the time of filing there would be confusion with the Applicant's mark. In regards to the Opposers' common law rights in the "L'OREAL PARIS" mark -- the Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

Request for Admission No.46

The Applicant disagrees with said statement. That is, the Applicant does not lack the capacity to manufacture or sell aloe vera drinks.

Request for Admission No.47

The Applicant disagrees with said statement.

Request for Admission No.48

The Applicant disagrees with said statement.

Request for Admission No.50

The Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

Request for Admission No.51

Applicant acknowledges the Opposers' statement as it regards the Opposers' "L'OREAL" marks. In regards to the Opposers' "L'OREAL PARIS" common law rights -- the Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

Request for Admission No.62

Applicant acknowledges said statement.

**Applicant's Supplementary Response To The Opposers'**  
**"Specific Interrogatories and Responses"**

Interrogatory No.1

The Applicant selected the mark "L'OREAL PARIS" because it has bilingual qualities and was not registered, at the time of filing, for the wares the Applicant submitted. Second, the Applicant did not consider any other variation of the "L'OREAL PARIS" mark that he filed. Third, the Applicant was the person most knowledgeable in the selection of the mark and goods therein. Fourth, the date of selection was approximately one month before filing the application in Canada or around mid November 2003.

Interrogatory No.2

The Applicant is unaware of the exact time that he became aware of the "L'OREAL" (registered) and the "L'OREAL PARIS" (abandoned) marks but it does predate the filing of the Applicant's application.

In regards to the Opposers' "L'OREAL PARIS" common law rights -- the Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposers' statement.

The Applicant is also the person most knowledgeable with the foregoing.

663 Interrogatory No.3

664 There are none except for the documents that the Opposers have themselves  
665 submitted to the Canadian Intellectual Property Office (Opposition Board) during current  
666 opposition proceedings regarding the "APPROVAL" of the Applicant's Canadian  
667 application for the mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are  
668 therefore already in the Opposers' possession as they are the originators of said  
669 documents.

670  
671 Interrogatory No.4

672 There are none except for the documents that the Opposers have themselves  
673 submitted to the Canadian Intellectual Property Office (Opposition Board) during current  
674 opposition proceedings regarding the "APPROVAL" of the Applicant's Canadian  
675 application for the mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are  
676 therefore already in the Opposers' possession as they are the originators of said  
677 documents.

678  
679 Interrogatory No.5

680 The Applicant has always had a bona fide intent to use the mark "L'OREAL PARIS"  
681 in commerce and will begin to do so once his mark is approved. Although the Applicant  
682 has not formalized any business plans nor produced or sold any wares the Applicant  
683 contends that he is not required to do so until his mark has been approved. The  
684 Applicant has, however, searched the internet for manufactures of aloe vera drinks and  
685 has found various companies that offer such products. Though no printouts or  
686 documents were kept such companies include Aloe Farms Inc., Genereux Ltd., Psb Co  
687 Ltd, and Tobe Inc. The Applicant also believes that there are many other companies like  
688 these in the marketplace. Thus, the Applicant will, once his mark is approved, begin by  
689 first approaching these companies to outsource the manufacture of his aloe vera drinks.  
690 Once a supply source is secured the Applicant will then approach various nearby clubs,  
691 bars, and restaurants to test market sales and streamline logistics.

692 Moreover, and as previously stated, the capacity to manage, manufacture,  
693 distribute and sell in today's business world does not always rest on a persons actual  
694 personal abilities or physical facilities. Such things can be hired, joint ventured or  
695 procured via outsourcing. Licensing is also a practical means of business and just as

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

696 viable a means of business as creating such companies from scratch. Thus, upon  
697 allowance of the Applicant's mark the Applicant will begin as previously mentioned and  
698 then adjudicate and review prevailing market conditions and finally pursue one or more  
699 of the options expressed above as is his right. Ergo, by the Applicant's reasoning, the  
700 Applicant has shown bona fide intent as the business methods herein stated offer viable  
701 options regarding commercial implementation.  
702

703 Interrogatory No.9

704 Basically, the only third parties to which the Applicant is aware are those  
705 mentioned in the documents that the Opposers have themselves submitted to the  
706 Canadian Intellectual Property Office (Opposition Board) during current opposition  
707 proceedings regarding the "APPROVAL" of the Applicant's Canadian application for the  
708 mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are therefore already in  
709 the Opposers' possession as they are the originators of said documents.  
710

711 Interrogatory No.11

712 There are none at this time.  
713

714 Interrogatory No.12

715 There are none at this time.  
716

717 Interrogatory No.13

718 There are none.  
719  
720  
721  
722  
723

724 **Applicant's Supplementary Response To The Opposers'**  
725 **"Specific Document Requests and Responses"**  
726

727 Document Request No.1

728 In regards to the prior answer given by the Applicant the Applicant will further



Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

clarify said answer as follows: "The Applicant has provided all necessary documents in accordance with the answers so given by the Applicant."

Document Request No.2

No such documents exist.

Document Request No.3

No such documents exist.

Document Request No.4

The information previously stated is all that is. Hard copies do not exist.

Document Request No.11

There are none except for the documents that the Opposers have themselves submitted to the Canadian Intellectual Property Office (Opposition Board) during current opposition proceedings regarding the "APPROVAL" of the Applicant's Canadian application for the mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are therefore already in the Opposers' possession as they are the originators of said documents. The Applicant therefore believes that he is not required to duplicate and provide said documents to the Opposers since the Opposers themselves are the originators of said documents and therefore have all of said documents already in their possession.

Document Request No.13

There are none except for the documents that the Opposers have themselves submitted to the Canadian Intellectual Property Office (Opposition Board) during current opposition proceedings regarding the "APPROVAL" of the Applicant's Canadian application for the mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are therefore already in the Opposers' possession as they are the originators of said documents. The Applicant therefore believes that he is not required to duplicate and provide said documents to the Opposers since the Opposers themselves are the originators of said documents and therefore have all of said documents already in their possession.

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

Document Request No.14

There are none except for the documents that the Opposers have themselves submitted to the Canadian Intellectual Property Office (Opposition Board) during current opposition proceedings regarding the "APPROVAL" of the Applicant's Canadian application for the mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are therefore already in the Opposers' possession as they are the originators of said documents. The Applicant therefore believes that he is not required to duplicate and provide said documents to the Opposers since the Opposers themselves are the originators of said documents and therefore have all of said documents already in their possession.

Document Request No.15

There are none except for the documents that the Opposers have themselves submitted to the Canadian Intellectual Property Office (Opposition Board) during current opposition proceedings regarding the "APPROVAL" of the Applicant's Canadian application for the mark "L'OREAL PARIS" (Serial No. 1,201,383). These documents are therefore already in the Opposers' possession as they are the originators of said documents. The Applicant therefore believes that he is not required to duplicate and provide said documents to the Opposers since the Opposers themselves are the originators of said documents and therefore have all of said documents already in their possession.

Document Request No.16

No such documents exist other than those relating to the Applicant's trademark application in Canada (Serial No. 1,201,383) and the Applicant's corresponding trademark application in the United States (Serial No. 76/596,736). The Canadian documents regarding the filing and prosecution of the Applicant's mark are herein enclosed. Documents regarding the Opposers' Canadian opposition to the Applicant's mark are already in the Opposers' possession as they are the originators of said documents. As for the documents regarding the Applicant's U.S. application these documents are public property and are readily available and downloadable from the United States Patent and Trademark Office (uspto.gov) respectively. This website will allow the Opposers easy access to all of the desired documents as the case may be. The

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

Applicant presumes that the Opposers' Attorney is familiar with this procedure.

Document Request No.17

No such documents exist other than those relating to the Applicant's trademark application in Canada (Serial No. 1,201,383) and the Applicant's corresponding trademark application in the United States (Serial No. 76/596,736). The Canadian documents regarding the filing and prosecution of the Applicant's mark are herein enclosed. Documents regarding the Opposers' Canadian opposition to the Applicant's mark are already in the Opposers' possession as they are the originators of said documents. As for the documents regarding the Applicant's U.S. application these documents are public property and are readily available and downloadable from the United States Patent and Trademark Office (uspto.gov) respectively. This website will allow the Opposers easy access to all of the desired documents as the case may be. The Applicant presumes that the Opposers' Attorney is familiar with this procedure.

Document Request No.18

Documents relating to said names and marks are already in the possession of the Opposers as said documents form part of the Opposers' evidence submitted to the Canadian Intellectual Property Office (Opposition Board). In any event said other marks are readily available at both the Canadian Intellectual Property Office (CIPO) and the United States Patent and Trademark Office websites respectively as the Applicant has only ever applied for a trademark in Canada and the United States.

In addition, the Opposers' current letter to the Applicant the Opposers have stated on Page 2 that "the scope of discovery is very broad, generally permitting discovery of all non-privileged information **that is relevant or likely to lead to admissible evidence relating to any claim or defence**".

Furthermore, the Opposers have remarked that "The Board has clearly stated that "[i]t has been generally held that the requirement of relevance must be construed liberally and that discovery should, therefore, be generously allowed **unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding**." *Varian Associates v. Fairfield-Noble Corporation*, 188 U.S.P.Q. 581,583 (T.T.A.B. 1975)(emphasis added).

The Opposers have also declared that the Board has specifically found

"[i]nformation concerning a party's selection and adoption of its **involved mark** is generally discoverable (particularly of a defendant)" and that "information concerning a defendant's actual knowledge of plaintiff's use of the plaintiff's **involved mark**, including whether defendant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable." TTMP >> 414(4), 414(19).

The Applicant therefore maintains that the Board's intentions are directed to admissions, interrogatories, and documents regarding only the plaintiff's **involved mark** and not to other marks extraneous to that directive. Since the Applicant's other marks do not consist, comprise nor utilize any portion or element of the Opposers' registered, common law or proposed marks the Applicant's other marks are clearly extraneous to these opposition proceedings and so will have no possible bearing upon the issues involved or outcome thereof. Thus, the Applicant contends that said marks are "beyond any doubt" irrelevant and so the request need not be answered.

However, though the Applicant declines to respond to this request, the Applicant will inform the Opposers that any records or documentation regarding the filing, prosecution and/or appeal of the Applicant's other marks are readily available to the Opposers and their Attorney by logging on to the United States Patent and Trademark Office at "www.uspto.gov" and selecting the trademarks section. All trademarks belonging to the Applicant can easily be found by entering the Applicant's name therein. Next, all files belonging to each mark sought can be viewed by searching "View Full Files (TDR)" and entering the serial number for the mark desired.

The Applicant presumes that the Opposers' Attorney is fully aware of the information provided therein and how to access it. If the Opposers' Attorney so desires he may, therefore, quickly reference these marks and download and print the information needed without unduly and unnecessarily burdening the Applicant.

Document Request No.19

No such documents exist.

Document Request No.20

No such documents exist.

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76596736; Comm-C

861 Document Request No.24

862           The Canadian documents regarding the filing and prosecution of the Applicant's  
863 mark (Serial No. 1,201,383) are herein enclosed. The documents regarding the Opposers'  
864 Canadian opposition to the Applicant's mark are already in the Opposers' possession as  
865 they are the originators of said opposition. The Applicant therefore believes that he is  
866 not required to duplicate and provide said documents to the Opposers since the  
867 Opposers themselves are the originators of said documents and therefore already have  
868 all of said documents in their possession.

Atlanta  
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New York  
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Paris  
San Diego  
San Francisco  
Shanghai  
Tokyo  
Washington, DC

(212) 318-6754  
nataliefurman@paulhastings.com

February 27, 2009

29172.00141

**VIA UPS**

Mr. Robert Victor Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
L2J 2G6  
CANADA

Re: L'Oréal S.A. and L'Oréal USA, Inc. v. Robert Victor Marcon (Opposition  
No. 91184456) – Applicant's Responses to Opposer's Deficiency Letter and  
Supplemental Responses to Opposer's Discovery Requests

Dear Mr. Marcon:

We have received and reviewed your supplemental responses to L'Oréal's discovery requests. A number of the responses remain deficient. Accordingly, we are writing again, in accordance with 37 C.F.R. 2120(e), in a good faith effort to resolve the outstanding deficiencies. We hope to resolve those issues between the parties, but if you decline to respond and to supplement your responses adequately, we reserve the right to take appropriate action before the Trademark Trial and Appeal Board (the "Board"), including a motion to compel, a motion to test the sufficiency of admissions, and/or a motion to preclude.

Request for Admission No. 22

You have responded that "Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposer's

statement" with regard to Opposer's common law use of L'ORÉAL PARIS. That response remains deficient, because the request seeks information about a matter that is, by its nature, within Applicant's knowledge. Applicant either was aware or was not aware of Opposer's use of its L'ORÉAL PARIS Mark at the time that Applicant filed the application for L'ORÉAL PARIS, and accordingly must respond to the request for admission.

Robert Victor Marcon  
February 27, 2009  
Page 2

Request for Admission Nos. 26-36

Applicant has declined to respond to these requests, but the arguments are unavailing. The Board's rules and decisions do not support your assertion that the Board limits discovery to the involved mark, where information about other marks may be relevant to issues involved in the proceeding. See, e.g., *Varian Associates v. Fairfield-Nobel Corporation*, 188 U.S.P.Q. 581, 583 (T.T.A.B. 1975). First, as stated in our prior letter, Applicant's history and pattern of filing intent-to-use applications for marks that are identical to previously-registered famous or well-known marks is relevant to Applicant's good or bad faith in its selection and adoption of the involved mark; further, it is relevant to Applicant's bona fide intent to use the involved mark in commerce and its possible misuse of the intent-to-use system. It is directly relevant to both the likelihood of confusion analysis and the dilution analysis with regard to the involved mark, and is a proper subject for discovery. Second, Opposer has not made any discovery requests regarding Applicant's knowledge of Opposer's marks other than those involved in the proceeding; your comments regarding "plaintiff's involved marks" are inapt. Finally, Applicant's suggestion that responding to those requests for admissions would be unduly burdensome is without merit. Requests for Admissions Nos. 26-36 merely seek Applicant's admission or denial regarding factual information that is, by its nature, within Applicant's knowledge; responding to such requests imposes virtually *no* burden on Applicant. Applicant must respond to the requests. If Applicant maintains its objection, Applicant must explain why making an admission or denial of those requests would be unduly burdensome to Applicant.

Request for Admission No. 41

You have responded that "Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposer's statement" with regard to whether Applicant was aware at the time that it filed its application that Applicant's Mark as used in connection with perfumes and fragrances, shaving balms, lotions, creams, and soaps, and sunscreens and tanning balms would create a likelihood of confusion with Opposer's common law use of L'ORÉAL PARIS. That response remains deficient, because the request seeks information about a matter that is, by its nature, within Applicant's knowledge. Applicant either was aware or was not aware of a likelihood of confusion between its application for L'ORÉAL PARIS on cosmetics products and Opposer's use of L'ORÉAL PARIS on cosmetics products, and accordingly must respond to the request for admission.

Request for Admission No. 43

You have responded that "Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposer's statement" with regard to whether Applicant signed a declaration stating, in part, that no other entity has the right to use the mark in commerce, despite being aware of Opposer's common law use of L'OREAL PARIS in connection with cosmetics in general. That response remains deficient, because the request seeks information about a matter that is, by its nature, within

Robert Victor Marcon  
February 27, 2009  
Page 3

Applicant's knowledge. Applicant either did or did not sign the declaration despite being aware of Opposer's use of L'ORÉAL PARIS in connection with cosmetics in general, and accordingly must respond to the request for admission.

Request for Admission No. 51

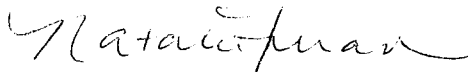
You have responded that "Applicant is without knowledge or information sufficient to form a belief as to the validity of the Opposer's statement" with regard to whether Applicant was aware, prior to applying for Applicant's Mark, that Opposer sells personal care products, including but not limited to skin creams and cosmetics under the L'ORÉAL PARIS Mark. That response remains deficient, because the request seeks information about a matter that is, by its nature, within Applicant's knowledge. Applicant either was or was not aware that Opposer sells personal care products including skin creams and cosmetics, and accordingly must respond to the request for admission.

Document Request Nos. 16-18

Although Opposer disagrees with Applicant's arguments and maintains that it is entitled to production of the documents requested, in a good faith effort to minimize the burden on Applicant, Opposer is willing to accept, in lieu of production of said documents, a written stipulation, in the form enclosed, that all documents printed from the USPTO Web site relating to trademark applications owned by Applicant are authentic, valid, and admissible, may made of record through a notice of reliance, and may be relied on as evidence. If you prefer to stipulate to such rather than producing the requested documents, please supplement your response to Document Request Nos. 16-18 by referring to the stipulation regarding the pertinent documents and return a signed copy of the enclosed stipulation to us along with your responses.

Please provide us with supplemental responses to the aforementioned requests by March 6, 2009. Please note that I will be traveling away from the office through March 22, 2009. Kindly address all correspondence to Robert L. Sherman, Esq. during that time. As mentioned, if you fail to respond or to provide sufficient responses, we will proceed to take appropriate action before the Board.

Very truly yours,



Natalie G. Furman  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosure

cc: Robert L. Sherman, Esq.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/596,736  
Published in the Official Gazette on May 6, 2008  
Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

**STIPULATION REGARDING AUTHENTICITY AND  
ADMISSIBILITY OF PAGES PRINTED FROM USPTO WEB SITE**

Pursuant to Trademark Trial and Appeal Board Manual of Procedure §§ 702, 704, and 705,  
Opposer and Applicant hereby stipulate that all documents printed from the USPTO Web site  
relating to trademark applications owned by Applicant are authentic, valid, and admissible, may  
made of record through a notice of reliance, and may be relied on as evidence.

Dated: March 6, 2009

ROBERT VICTOR MARCON

By: Robert Victor Marcon

Robert Victor Marcon

3471 Sinnicks Avenue  
Niagara Falls, Ontario  
L2J 2G6 CANADA  
905-354-2543

Applicant

PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: Robert L. Sherman

Robert L. Sherman  
Natalie G. Furman

75 E. 55th Street  
New York, New York 10022  
212-318-6000

Attorneys for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/596,736  
Published in the Official Gazette on May 6, 2008  
Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

**STIPULATION REGARDING AUTHENTICITY AND  
ADMISSIBILITY OF PAGES PRINTED FROM USPTO WEB SITE**

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Opposer and Applicant hereby stipulate that all documents printed from the USPTO Web site  
relating to trademark applications owned by Applicant are authentic, valid, and admissible, may  
made of record through a notice of reliance, and may be relied on as evidence.

Dated: March \_\_\_\_, 2009

ROBERT VICTOR MARCON

By: \_\_\_\_\_  
Robert Victor Marcon

3471 Sinnicks Avenue  
Niagara Falls, Ontario  
L2J 2G6 CANADA  
905-354-2543

Applicant

PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: \_\_\_\_\_  
Robert L. Sherman  
Natalie G. Furman

75 E. 55th Street  
New York, New York 10022  
212-318-6000

Attorneys for Opposer

1                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                   **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
3                   **(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**  
4  
5


6   **Opposition No.:**                               91184456  
7   **TRADEMARK:**                                L'OREAL PARIS  
8   **Application Serial No.:**               76/596,736  
9   **Applicant(s):**                             Robert Victor Marcon  
10   **Opposer(s):**                              L'Oreal USA, Inc. and L'Oreal S.A.  
11   **Opposer(s) Attorney:**               Robert L. Sherman  
12   **Reply Number:**                         Communication - D  
13   **Number of Pages:**                     Fifteen (15)  
14  
15  
16  
17  
18

19                               **CERTIFICATE OF SERVICE**

20  
21   **Certification:**           The undersigned hereby certifies that a true and complete copy of  
22                               the foregoing correspondence has been served on the Opposers'  
23                               representative "ROBERT L. SHERMAN" by mailing said copy via the  
24                               U.S. Postal Service using FIRST CLASS CERTIFIED MAIL, postage  
25                               prepaid, to "Robert L. Sherman, Paul, Hastings, Janofsky & Walker  
26                               LLP, 75 East 55th Street, New York, New York, U.S.A., 10022".  
27

28                               **Certified Mail Serial No.: 7003 1680 0001 7602 8153**

29                               **Date of Deposit:                               9 March 2009**

30  
31                               Depositor's Signature:  (Robert Marcon)  
32  
33  
34  
35

**CASE PARTICULARS**

**APPLICANT INFORMATION**

**Name of Applicant:** Robert Victor Marcon  
**Mailing Address:** Street: 3471 Sinnicks Avenue  
City/Province: Niagara Falls, Ontario  
Country: Canada  
Zip Code: L2J 2G6  
**Other Communications:** Telephone: (905) 354-2543

**OPPOSERS' INFORMATION**

**First Opposer:** L'Oreal USA, Inc.  
**Mailing Address:** 575 Fifth Ave., New York, NY, U.S.A., 10017  
**Other Communications:** Unknown  
**Second Opposer:** L'Oreal S.A.  
**Mailing Address:** L'Oreal S.A., 14 rue Royale, Paris, France, 75008  
**Other Communications:** Unknown

**Opposers' Attorney:** Robert L. Sherman,  
Paul, Hastings, Janofsky & Walker LLP  
**Mailing Address:** Street: 75 East 55th Street  
City/State: New York, New York  
Country: U.S.A.  
Zip Code: 10022  
**Other Communications:** Telephone: (212) 318-6000  
e-mail: rls@paulhastings.com

**IN THE MATTER OF an Opposition by**  
**L'Oreal USA, Inc. and L'Oreal S.A.**  
**to Application Serial No. 76/596,736 filed by**  
**Robert Victor Marcon**  
**for the trademark "L'OREAL PARIS"**  
**(Opposition No. 91184456)**

**COMMUNICATION - D**  
**RESPONSE TO OPPOSERS' REQUESTS (SUPPLEMENTARY)**

This is a response to the letter mailed February 27, 2009 by the Opposers' representative, namely, Natalie Furman of Paul, Hastings, Janofsky & Walker LLP to the Applicant herein, namely, Robert Victor Marcon. Said letter regards the Applicant's Responses to Opposers' Deficiency Letter and Supplemental Responses to Opposer's Discovery Requests. The Opposers claim that a number of responses remain deficient and therefore request that said deficiencies be answered or supplemented accordingly.

Therefore, in accordance with current trademark protocols and procedures the Applicant will provide the requested information and/or documents to the Opposers' representative as appropriate.

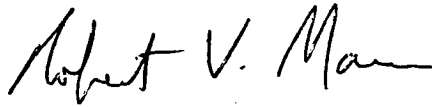
Note also, that the Applicant will respond to each request made by the Opposers' representative in the same sequence and order as was presented in her letter thereby avoiding unnecessary paperwork and duplication (a copy of the Attorney's letter is herein included as reference).

Included in this communication are the following three (3) items totalling one sixteen (16) pages:

- (1) Applicant's supplementary response to the Opposers' "Specific Requests for Admissions and Responses";

- (2) Applicant's supplementary response to the Opposers' "Specific Document Requests and Responses"; and
- (3) A copy of the aforesaid Attorney letter mailed February 27, 2009.

Cordially,



Robert V. Marcon,  
Applicant Pro Se  
9 March 2009

**Applicant's Supplementary Response To The Opposers'**  
**"Specific Requests for Admissions and Responses"**

Request for Admission No.22

Applicant was aware of the dead "L'OREAL PARIS" marks belonging to the Opposer prior to applying for federal registration of the Applicant's mark. However, in regards to the Opposers' claimed common law marks bearing the words "L'OREAL PARIS" the Applicant was not aware of the Opposer's use of its "L'OREAL PARIS" mark.

Request for Admission No.26

Although the Applicant still maintains that the question is irrelevant and immaterial to these opposition proceedings the Applicant will answer the request for admission. As such, the Applicant admits to having filed for other U.S. trademark applications that are identical to previously registered marks.

Request for Admission No.27

Although the Applicant still maintains that the question is irrelevant and immaterial to these opposition proceedings the Applicant will answer the request for admission. As such, the Applicant acknowledges the Opposers' statement.

Request for Admission No.28

Although the Applicant still maintains that the question is irrelevant and immaterial to these opposition proceedings the Applicant will answer the request for admission. As such, the Applicant acknowledges Opposers' statement in regards to flavored milk and milk-based beverages, water, chocolates, candies, ice-cream bars and bottled water but not infant formula or dietary supplements.

Request for Admission No.29

Although the Applicant still maintains that the question is irrelevant and

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-D

168 immaterial to these opposition proceedings the Applicant will answer the request for  
169 admission. As such, the Applicant acknowledges the Opposers' statement.

170  
171  
172 Request for Admission No.30

173 Although the Applicant still maintains that the question is irrelevant and  
174 immaterial to these opposition proceedings the Applicant will answer the request for  
175 admission. As such, the Applicant acknowledges the Opposers' statement.

176  
177  
178 Request for Admission No.31

179 Although the Applicant still maintains that the question is irrelevant and  
180 immaterial to these opposition proceedings the Applicant will answer the request for  
181 admission. As such, the Applicant acknowledges the Opposers' statement.

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183  
184 Request for Admission No.32

185 Although the Applicant still maintains that the question is irrelevant and  
186 immaterial to these opposition proceedings the Applicant will answer the request for  
187 admission. As such, the Applicant acknowledges Opposers' statement in regards to  
188 natural mineral water only and not the others.

189  
190  
191 Request for Admission No.33

192 Although the Applicant still maintains that the question is irrelevant and  
193 immaterial to these opposition proceedings the Applicant will answer the request for  
194 admission. As such, the Applicant acknowledges the Opposers' statement.

195  
196  
197 Request for Admission No.34

198 Although the Applicant still maintains that the question is irrelevant and  
199 immaterial to these opposition proceedings the Applicant will answer the request for  
200 admission.



201 Applicant disagrees with the Opposers' statement. That is, the Applicant was  
202 aware of the prior registrations, both live and dead, of the referred to trademarks.  
203 However, as regards the extent of their fame and general public recognition the  
204 Applicant is without knowledge sufficient to form a belief as to or gauge the scope of  
205 said fame and general public recognition. Consequently, the Applicant cannot give a  
206 definitive admission in this regards.

207  
208  
209 Request for Admission No.35

210 Although the Applicant still maintains that the question is irrelevant and  
211 immaterial to these opposition proceedings the Applicant will answer the request for  
212 admission.

213 Applicant disagrees with said statement.  
214  
215

216 Request for Admission No.36

217 Although the Applicant still maintains that the question is irrelevant and  
218 immaterial to these opposition proceedings the Applicant will answer the request for  
219 admission.

220 Applicant disagrees with said statement.  
221  
222

223 Request for Admission No.41

224 The Applicant disagrees with said statement. That is the Applicant did not  
225 believe that at the time of filing the Opposers' "L'OREAL" mark would be confusing with  
226 the Applicant's mark.

227 In regards to the Opposers' dead "L'OREAL PARIS" marks -- the Applicant did not  
228 believe that at the time of filing there would be confusion with the Applicant's mark.

229 In regards to the Opposers' common law rights in the "L'OREAL PARIS" mark -- the  
230 Applicant did not believe that at the time of filing there would be confusion with the  
231 Applicant's mark simply because the Applicant did not know then nor does he know  
232 now what "common law rights" are.  
233

Request for Admission No.43

The Applicant disagrees with said statement. That is the Applicant did not believe that at the time of filing the Opposers' "L'OREAL" mark would be confusion with the Applicant's mark.

In regards to the Opposers' dead "L'OREAL PARIS" marks -- the Applicant did not believe that at the time of filing there would be confusion with the Applicant's mark.

In regards to the Opposers' common law rights in the "L'OREAL PARIS" mark -- the Applicant did not believe that at the time of filing there would be confusion with the Applicant's mark simply because the Applicant did not know then nor does he know now what "common law rights" are.

Request for Admission No.51

Applicant acknowledges the Opposers' statement as it regards the Opposers' "L'OREAL" marks.

In regards to the Opposers' common law rights in the "L'OREAL PARIS" mark -- the Applicant did not believe that at the time of filing there would be confusion with the Applicant's mark simply because the Applicant did not know then nor does he know now what "common law rights" are.

**Applicant's Supplementary Response To The Opposers'  
"Specific Document Requests and Responses"**

Document Request No.16

The Applicant consents to the Opposers' proposal and so will sign the enclosed document entitled "STIPULATION REGARDING AUTHENTICITY AND ADMISSIBILITY OF PAGES PRINTED FROM THE USPTO WEB SITE". This should therefore satisfy the Opposer document request.

Take note that the Applicant has signed three (3) copies. Please sign and return

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-D

one (1) copy to the Applicant for his files.

Document Request No.17

The Applicant consents to the Opposers' proposal and so will sign the enclosed document entitled "STIPULATION REGARDING AUTHENTICITY AND ADMISSIBILITY OF PAGES PRINTED FROM THE USPTO WEB SITE". This should therefore satisfy the Opposer document request.

Take note that the Applicant has signed three (3) copies. Please sign and return one (1) copy to the Applicant for his files.

Document Request No.18

The Applicant consents to the Opposers' proposal and so will sign the enclosed document entitled "STIPULATION REGARDING AUTHENTICITY AND ADMISSIBILITY OF PAGES PRINTED FROM THE USPTO WEB SITE". This should therefore satisfy the Opposer document request.

Take note that the Applicant has signed three (3) copies. Please sign and return one (1) copy to the Applicant for his files.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/596,736  
Published in the Official Gazette on May 6, 2008  
Mark: L'OREAL PARIS

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Opposer,

v.

ROBERT VICTOR MARCON,

Applicant.

Opposition No. 91184456

**[PROPOSED] AMENDED NOTICE OF OPPOSITION**

L'Oréal S.A. and L'Oréal USA, Inc. (collectively, "L'Oréal" or "Opposer") believes that it will be damaged by registration of the mark L'OREAL PARIS by Applicant Robert Victor Marcon ("Marcon" or "Applicant") for "aloe vera drinks" in Class 32 as shown in Application Serial No. 76/596,736, and hereby opposes same on the following grounds:

1. L'Oréal S.A. is a French société anonyme having a place of business at 14 rue Royale, Paris, France 75008.
2. L'Oréal USA, Inc. is a Delaware corporation with a principal place of business at 575 Fifth Avenue, New York, New York 10017, and is the exclusive licensee of L'Oréal S.A. trademarks, including the L'ORÉAL brand name, in the United States.
3. L'Oréal and its affiliates are now, and for many years have been, engaged in the development, manufacture, distribution, marketing and sale of nearly all categories of beauty products, including cosmetics, hair care products, skin care products, perfumery, and related goods

and services. L'Oréal's products are distributed through various channels, including beauty salons, department stores, specialty stores, drugstores, food stores, and other mass merchandise stores.

4. L'Oréal is the owner of, among others, the following federal trademark registrations and published or allowed applications for L'ORÉAL- formative marks as well as of common law rights in marks containing the word L'OREAL (collectively, the "L'OREAL Marks"):

Mark	Status	Reg./Ser. #	Goods/Services
L'ORÉAL	Registered	661,746	Hair colorings, color rinses, hair bleaches, color developers, color intensifiers, and hair conditioners (Class 3)
L'ORÉAL (Stylized)	Registered	540,541	Rouge, face cream, hair lotion, hand cream, eye shadow, face lotion, perfume, cologne, nail polish, suntan oil and face powder (Class 3)
L'OREAL ENDLESS	Registered	3,109,618	Lipstick (Class 3)
L'OREAL E-STRAT CHALLENGE	Registered	3,115,751	Education services, namely providing university level training courses and organizing academic competitions in the fields of marketing, business, and economics (Class 41)
L'OREAL PROFESSIONNEL ELITE	Registered	3,081,932	Conducting a loyalty incentive reward program for independent beauty salons whereby participating member salons can redeem earned points for selected rewards (Class 35)
L'OREAL TECHNIQUE	Registered	3,281,234	Shampoos; gels, sprays, mousses and balms for hair styling and hair care; hair lacquers; hair colouring and hair decolorant preparations; permanent waving and curling preparations; essential oils for personal use (Class 3)

L'OREAL PREMIUM	Allowed Application	77/034,330	Perfume, toilet water; gels, salts for the bath and the shower not for medical purposes; toilet soaps, body deodorants; cosmetics, namely, creams, milks, lotions, gels and powders for the face, the body and the hands; non-medicated sun care preparations; make-up preparations; shampoos; gels, sprays, mousses and balms for hair styling and hair care; hair lacquers; hair colouring and hair decolorant preparations; permanent waving and curling preparations; essential oils for personal use (Class 3)
L'OREAL MATCH	Allowed Application	78/887,070	Cosmetics (Class 3)
L'OREAL INFINIUM	Published Use-Based Application	78/685,333	Hair spray (Class 3)
L'OREAL HEAT CURL	Allowed Application	76/608,926	Mascara (Class 3)
L'OREAL TIME STOP	Allowed Application	78/686,350	Hair colorants (Class 3)
L'OREAL OUR WORLD	Pending Application	77/354,359	Line of kid's shampoos and conditioners (Class 3)
L'ORÉAL VOLUME COLLAGENE	Pending Application	77/461,637	Mascaras (Class 3)
L'OREAL EXTRA VOLUME COLLAGENE	Pending Application	77/477,820	Mascaras (Class 3)

Copies of registration certificates printed from the USPTO Web site and/or records from the USPTO Trademark Applications and Registrations Retrieval System (TARR) for the above references are annexed hereto as Exhibit A.

5. Each of the registrations identified in paragraph 4 constitutes *prima facie* evidence of the validity of the mark and of L'Oréal's ownership of and exclusive right to use the marks in commerce, and provides constructive notice of ownership thereof by L'Oréal.

6. L'Oréal also has common law rights in the L'ORÉAL PARIS trademark and service mark in connection with a wide range of personal care products and services.

7. L'Oréal's rights in L'ORÉAL and in L'ORÉAL PARIS predate and are superior to those asserted by Applicant in the subject application.

8. L'Oréal is one of the world's largest beauty products companies.

9. L'Oréal, including its affiliates and predecessors-in-interest, has used the L'ORÉAL brand name in the United States since at least the 1950s.

10. For more than fifty years, L'Oréal, including its affiliates and predecessors-in-interest, has produced, advertised, promoted, distributed, and sold personal care products in interstate commerce under its L'ORÉAL mark.

11. L'ORÉAL is widely acknowledged as one of the most recognized and famous trademarks in the world. The L'ORÉAL brand is identified as one of the world's "100 Top Brands" by Business Week/Interbrand (ranked number 51 in the world in 2007) and as one of the world's "Top 100 Most Powerful Brands" by Millward Brown Optimor (ranked number 46 in the world in 2007).

Copies of those rankings are attached hereto as Exhibit B.

12. L'Oréal, including its affiliates and predecessors-in-interest, has used L'ORÉAL PARIS as a trademark in the United States and throughout the world for many years. L'ORÉAL PARIS is among the world's largest and best known beauty brands, and includes a wide range of personal care products sold in interstate commerce.

13. Some of L'Oréal's well-known products sold under the L'ORÉAL PARIS brand include the PREFERENCE, NATURAL MATCH, FERIA, and COULEUR EXPERTE hair color products; VIVE PRO hair care preparations; ADVANCED REVITALIFT, AGE PERFECT, MEN'S EXPERT, SKIN GENESIS, SUBLIME GLOW, and SUBLIME BRONZE skincare preparations; the STUDIO LINE hair styling products; BARE NATURALE, COLOUR RICHE,

TRUE MATCH, and WEAR INFINITE cosmetics collections; VOLUMINOUS, DOUBLE EXTEND, TELESCOPIC, and VOLUME SHOCKING mascaras, and the HIP HIGH INTENSITY PIGMENT line.

14. Many products under the L'ORÉAL PARIS brand contain botanicals ingredients, minerals, and nutrients, such as aloe, green tea, Vitamin E, Vitamin C, soy proteins, calcium, pomegranate, and apricot oils.

15. L'ORÉAL PARIS products are widely available in the United States at national mass retailers, drug stores, and supermarkets, including Albertson's, CVS, Duane Reade, Eckerd's, K-Mart, Long's, Rite-Aid, Target, Walgreens, and Wal-Mart, in addition to L'ORÉAL PARIS stores. In addition, "Style Space" events are conducted throughout the United States to provide personalized beauty information and consultation services to consumers under the L'ORÉAL PARIS brand.

16. L'ORÉAL PARIS products are promoted by world-famous celebrities and spokespeople, such as Diane Keaton, Andie MacDowell, Beyoncé Knowles, Claudia Schiffer, Aishwarya Rai, Eva Longoria, Heather Locklear, Kerry Washington, Milla Jovovich, Penelope Cruz, and Scarlett Johansson. Under its L'ORÉAL PARIS brand, L'Oréal is the exclusive cosmetics sponsor of the Emmy-nominated television show Project Runway, and has been the show's exclusive cosmetics sponsor since its first season.

17. L'Oréal, under its L'ORÉAL PARIS brand, is also one of the largest corporate fundraisers for ovarian cancer research and awareness. For over a decade, L'Oréal has helped raise millions of dollars through fundraising initiatives including the annual COLOR OF HOPE cosmetics collection, the COLOR OF HOPE jewelry collection, and sponsorship of the prestigious L'Oréal Legends Gala, all under its L'ORÉAL PARIS brand.

18. L'ORÉAL PARIS products are routinely praised by both consumers and editors, and are frequently awarded "best product" awards and accolades in fashion and style magazines. For



example, Allure Magazine awarded L'ORÉAL PARIS SKIN GENESIS its prestigious "Breakthrough Award" in its 2007 Best of Beauty Awards issue; InStyle Magazine selected L'ORÉAL PARIS TRUE MATCH concealer as a "Best Beauty Buy" of 2006; and L'ORÉAL PARIS COLOUR RICHE LIPCOLOUR in Sugar Plum was one of 56 products awarded a Readers' Choice Award in Allure Magazine. Consumers and professionals have come to know and trust the L'ORÉAL and L'ORÉAL PARIS brands, and recognize products and services offered in connection with those marks as originating only with Opposer.

19. As a direct result of the continued prominence and visibility of L'Oréal, the L'ORÉAL Marks, and the L'ORÉAL PARIS brand, the expenditure of hundreds of millions of dollars in advertising and promotion over the years on the L'ORÉAL PARIS brand alone, and millions more on charitable endeavors and other promotional activities with respect to L'Oréal and the L'ORÉAL Marks, and the long and extensive use of the L'ORÉAL Marks and L'ORÉAL PARIS mark, those marks each have acquired widespread recognition and an outstanding reputation among consumers and the trade, have become famous, and symbolize L'Oréal's extensive and valuable goodwill throughout the United States.

20. On information and belief, Applicant is an individual residing at 3471 Sinnicks Avenue, Niagara Falls, Ontario, Canada L2J 2G6.

21. On June 9, 2004, Applicant filed the intent-to-use application at issue herein, Serial No. 76/596,736 seeking to register the mark L'ORÉAL PARIS in Class 32 for "aloe vera drinks."

22. **On information and belief, Applicant has never manufactured, sold, licensed or partnered with any other entity to manufacture or sell aloe vera drinks.**

23. **On information and belief, at the time Applicant filed the application at issue and continuing to date, Applicant did not and does not have the capacity to manufacture, distribute, or sell aloe vera drinks.**

24. On information and belief, at the time Applicant filed the application at issue and continuing to date, Applicant has not developed a business plan, conducted any test marketing, contacted any potential partners, developed any logos or packaging, or undertaken any other concrete activities in preparation for use of the applied-for mark with the applied-for goods.
25. Applicant also is the owner of Application Serial No. 76/596,738, an intent-to-use application for NESTLE for "over the counter medications, namely, analgesics; sleep aids; cold and flu medications."
26. Applicant also is the owner of Application Serial No. 76/577,011 for EVIAN for "ice cream; sherbet; and frozen confections."
27. Applicant also is the owner of Application Serial No. 78/288,366 for HEINEKEN for "meat juices."
28. Applicant also is the owner of Application Serial No. 78/288,364 for COORS for "meat juices, and meat juice concentrates."
29. Applicant also is the owner of Application Serial No 78/288,358 for DOM PERIGNON for "meat juices, and broth comprising meat juices."
30. Applicant also is the owner of Application Serial No. 78/288,361, an intent-to-use application for BUDWEISER for beverages.
31. Applicant also is the owner of Application Serial No. 78/288,367 for ABSOLUT for beverages.
32. Applicant also is the owner of Application Serial No 78/288,365 for FINLANDIA for beverages.
33. Applicant also is the owner of Application Serial No 76/596,735 for NESCAFÉ for beverages.

34. Applicant also is the owner of Application Serial No. 76/596,734 for JACK DANIEL'S for "cigars, cigarettes, and chewing tobacco."

35. Applicant also is the owner of Application Serial No 76/596,737 for BAYER for "non-medicated breath fresheners delivered via aerosol spray; non-medicated mouthwash and gargle."

36. Applicant also is the owner of Application Serial No 76/596,733 for CHANEL for "scented stationery and greeting cards."

37. On information and belief, Applicant has never manufactured, sold, or partnered with any other entity to manufacture or sell over-the-counter medications, frozen desserts, meat juices, beverages, tobacco-related products, breath fresheners and mouthwashes, or stationery and greeting cards.

38. On information and belief, at the time Applicant filed the applications referenced in Paragraphs 25-36 and continuing to date, Applicant did not and does not have the capacity to manufacture, distribute, or sell over-the-counter medications, frozen desserts, meat juices, beverages, tobacco-related products, breath fresheners and mouthwashes, or stationery and greeting cards.

39. On information and belief, at the time Applicant filed the applications referenced in Paragraphs 25-36 and continuing to date, Applicant has not developed a business plan, conducted any investigation, conducted any test marketing, contacted any potential partners, developed any logos or packaging, or undertaken any other concrete activities in preparation for use of the applied-for marks with the applied-for goods.

40. On information and belief, at the time Applicant filed the application at issue and continuing to date, Applicant did not have and does not have a bona fide intent to use L'OREAL PARIS in commerce under circumstances demonstrating Applicant's good faith.

As such, the application at issue is invalid and Applicant's mark is not entitled to registration pursuant to 15 U.S.C. § 1051(b).

41. Applicant's mark L'ORÉAL PARIS so resembles Opposer's L'ORÉAL Marks, trade name and L'ORÉAL PARIS mark, and each of them, as to be likely, when applied to Applicant's goods, to cause confusion or mistake or to deceive. As such, Applicant's mark is not entitled to registration pursuant to 15 U.S.C. § 1052(d).

42. Applicant's L'ORÉAL PARIS mark so closely resembles Opposer's previously registered L'ORÉAL Marks, previously used L'ORÉAL Marks and trade name, and previously used L'ORÉAL PARIS mark, as to dilute or be likely to cause dilution of the distinctive quality of Opposer's famous L'ORÉAL Marks and L'ORÉAL PARIS mark. As such, Applicant's mark is not entitled to registration pursuant to 15 U.S.C. § 1125(c).

43. For the foregoing reasons, L'Oréal believes it will be damaged by the registration of the mark L'ORÉAL PARIS shown in Application Serial No. 76/596,736 for "aloe vera drinks" in Class 32.

44. This Opposition is timely filed and accompanied with a filing fee of \$300.00.

45. WHEREFORE, L'Oréal requests that the registration sought by Applicant be refused, that the Notice of Opposition be sustained, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Dated: June 29, 2009

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY  
& WALKER LLP

By: \_\_\_\_\_  
Robert L. Sherman  
Natalie G. Furman  
75 E. 55th Street  
New York, New York 10022  
212-318-6000  
Attorneys for Opposer

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
3 **(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**  
4

5 **Opposition No.:** 91184456  
6 **TRADEMARK:** L'OREAL PARIS  
7 **Application Serial No.:** 76/596,736  
8 Applicant(s): Robert Victor Marcon  
9 Opposer(s): L'Oreal USA, Inc. and L'Oreal S.A.  
10 Opposer(s) Attorney: Robert L. Sherman  
11 Reply Number: Communication - H  
12 Number of Pages: Fifteen (15)  
13  
14  
15

16 **CERTIFICATE OF MAILING (USPTO)**

17 I hereby certify that this correspondence is being deposited with the U.S. Postal Service as  
18 CERTIFIED MAIL in an envelope addressed to, "U.S. Patent and Trademark Office, Trademark Trial  
19 and Appeal Board, P.O. Box 1451, Alexandria, VA, U.S.A., 22313-1451".

20 **Certified Mail Serial No.:** 7008 1830 0002 1389 3803

21 **Date of Deposit:** 8 February 2010

22  
23 **Depositor's Signature:** Robert Marcon (Robert Marcon)  
24  
25  
26

27 **CERTIFICATE OF SERVICE (OPPONENTS)**

28 I hereby certify that a true and complete copy of the foregoing correspondence has been served  
29 on the Opposers' representative "ROBERT L. SHERMAN" by mailing said copy via U.S. Postal  
30 Service CERTIFIED MAIL to "Robert L. Sherman, Paul, Hastings, Janofsky & Walker LLP, 75 East  
31 55th Street, New York, NY, U.S.A., 10022".

32 **Certified Mail Serial No.:** 7008 1830 0002 1389 3728

33 **Date of Deposit:** 8 February 2010

34  
35 **Depositor's Signature:** Robert Marcon (Robert Marcon)

**CASE PARTICULARS**

**APPLICANT INFORMATION**

**Name of Applicant:** Robert Victor Marcon  
**Mailing Address:** Street: 3471 Sinnicks Avenue  
City/Province: Niagara Falls, Ontario  
Country: Canada  
Zip Code: L2J 2G6  
**Other Communications:** Telephone: (905) 354-2543

**OPPOSERS' INFORMATION**

**First Opposer:** L'Oreal USA, Inc.  
**Mailing Address:** 575 Fifth Ave., New York, NY, U.S.A., 10017  
**Other Communications:** Unknown

**Second Opposer:** L'Oreal S.A.  
**Mailing Address:** L'Oreal S.A., 14 rue Royale, Paris, France, 75008  
**Other Communications:** Unknown

**Opposers' Attorney:** Robert L. Sherman,  
Paul, Hastings, Janofsky & Walker LLP  
**Mailing Address:** Street: 75 East 55th Street  
City/State: New York, New York  
Country: U.S.A.  
Zip Code: 10022  
**Other Communications:** Telephone: (212) 318-6000  
e-mail: rls@paulhastings.com

**IN THE MATTER OF an Opposition by**  
**L'Oreal USA, Inc. and L'Oreal S.A.**  
**to Application Serial No. 76/596,736 filed by**  
**Robert Victor Marcon**  
**for the trademark "L'OREAL PARIS"**  
**(Opposition No. 91184456)**

**COMMUNICATION - H**  
**RESPONSE TO OPPOSERS' AMENDED NOTICE OF OPPOSITION**

This is a response to the letter mailed on June 29, 2009 by Natalie G. Furman for the Opposers' Attorney, namely, Robert L. Sherman of Paul, Hastings, Janofsky & Walker LLP to the Applicant herein, namely, Robert Victor Marcon.

Said letter consists of the Opposers' "Amended Notice of Opposition" which further includes 19 new allegations, namely, allegations 22-40.

The Applicant will therefore respond to these new allegations in the same order as they were presented in the Opposers' "Amended Notice of Opposition" (copy enclosed) and will begin with allegation No. 22.

Respectfully submitted,



Robert V. Marcon,  
Applicant Pro Se  
8 February 2010

**AMENDED NOTICE OF OPPOSITION**  
**Opposers' New Request For Admissions (22-40)**

New Request for Admission No. 22

The Applicant admits said statement to be true.

New Request for Admission No. 23

The Applicant denies said allegation.

New Request for Admission No. 24

The Applicant denies said allegation.

New Request for Admission No. 25

The Applicant admits said statement to be true.

New Request for Admission No. 26

The Applicant admits said statement to be true.

New Request for Admission No. 27

The Applicant admits said statement to be true.

New Request for Admission No. 28

The Applicant admits said statement to be true.

New Request for Admission No. 29

The Applicant admits said statement to be true.

New Request for Admission No. 30

The Applicant admits said statement to be true.



Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-H

135 New Request for Admission No. 31

136 The Applicant admits said statement to be true.  
137

138 New Request for Admission No. 32

139 The Applicant admits said statement to be true.  
140

141 New Request for Admission No. 33

142 The Applicant admits said statement to be true.  
143

144 New Request for Admission No. 34

145 The Applicant admits said statement to be true.  
146

147 New Request for Admission No. 35

148 The Applicant admits said statement to be true.  
149

150 New Request for Admission No. 36

151 The Applicant admits said statement to be true.  
152

153 New Request for Admission No. 37

154 The Applicant admits said statement to be true except for beverages, particularly, bottled  
155 water.  
156

157 New Request for Admission No. 38

158 The Applicant denies said allegation.  
159

160 New Request for Admission No. 39

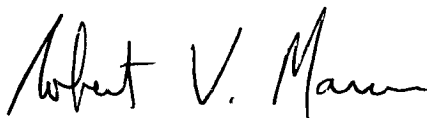
161 The Applicant denies said allegation.  
162

163 New Request for Admission No. 40

164 The Applicant denies said allegation.  
165

166 This concludes the Applicant's responses to the new requests for admissions (numbers 22-  
167 40) taken from the Opposers' Amended Notice of Opposition dated June 29, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert V. Marcon". The signature is written in a cursive, flowing style.

Robert V. Marcon,  
Applicant Pro Se  
8 February 2010

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-H

Received this day from Robert V. Marcon  
Communication-H, Response To Opposers' Amended Notice  
of Opposition totalling fifteen (15) pages for the trademark  
application: L'OREAL PARIS, serial No.: 76/596,736, Docket  
Number: Mark-21, Opposition No. 91184456.

This Communication-H was sent by the Applicant  
herein on February 8, 2010 via U.S. Postal Service Certified  
Mail (Serial No. **7008 1830 0002 1389 3803**).

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-19 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit lists all of the Defendant's trademark submissions. This information has been obtained from the U.S. Patent and Trademark Office.

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Start List At: OR Jump to record: **Record 13 out of 18**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**L'OREAL PARIS**

<b>Word Mark</b>	L'OREAL PARIS
<b>Goods and Services</b>	IC 032. US 045 046 048. G & S: Aloe vera drinks
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	76596736
<b>Filing Date</b>	June 9, 2004
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	May 6, 2008
<b>Owner</b>	(APPLICANT) Marcon, Robert Victor INDIVIDUAL CANADA 3471 Sinnicks Avenue Niagara Falls, Ontario CANADA L2J 2G6
<b>Priority Date</b>	December 11, 2003
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## Typed Drawing

Word Mark NUTRADENT  
Goods and Services (ABANDONED) IC 030. US 046. G & S: Chewing gums and mints  
Mark Drawing Code (1) TYPED DRAWING  
Serial Number 76251596  
Filing Date May 4, 2001  
Current Filing Basis 1B;44D  
Original Filing Basis 1B;44D  
Owner (APPLICANT) Marcon, Robert V. INDIVIDUAL CANADA 3471 Sinnicks Avenue Niagara Falls CANADA L2J 2G6  
Priority Date November 16, 2000  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator DEAD  
Abandonment Date July 10, 2005

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**Record 1 out of 1**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	ABSOLUT WATER
<b>Goods and Services</b>	(ABANDONED) IC 032. US 045 046 048. G & S: AERATED WATER, MINERAL WATER, SPRING WATER, BOTTLED WATER; AERATED WATER, MINERAL WATER, SPRING WATER, BOTTLED WATER; AERATED WATER, MINERAL WATER, SPRING WATER, BOTTLED WATER
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78230510
<b>Filing Date</b>	March 26, 2003
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B;44D;44E
<b>Owner</b>	(APPLICANT) MARCON ROBERT VICTOR INDIVIDUAL CANADA 3471 SINNICKS AVENUE NIAGARA FALLS ONTARIO L2J2G6
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE WATER APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	DEAD
<b>Abandonment Date</b>	December 21, 2004

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**Typed Drawing**

**Word Mark** ROCKLIN  
**Goods and Services** (ABANDONED) IC 007. US 013 019 021 023 031 034 035. G & S: Catalytic converters for motors and engines; chainsaws; electric generators; gas and liquid fuel injectors and components thereof; internal combustion engines for machine operation and replacement parts thereof; liquid and hydraulic pumps for use with machines, and agricultural irrigation; mulchers; portable electric welding machines; power operated grass/weed/hedge trimmers; power operated leaf blowers; power operated walk behind rotary tillers; power washing machines; pneumatic air compressors; push, self-propelled, and riding lawnmowers; small engines for fishing boats; snow throwers  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 76364139  
**Filing Date** January 29, 2002  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B;44D  
**Published for Opposition** April 1, 2003  
**Owner** (APPLICANT) Marcon, Robert V. INDIVIDUAL CANADA 3471 Sinnicks Avenue Niagara Falls, Ontario CANADA L2J 2G6  
**Attorney of Record** Michael F. Scalise  
**Priority Date** August 24, 2001  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** DEAD  
**Abandonment Date** December 25, 2004

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page: 1 ~ 17)**

Refine Search (robert victor marcon)[OW]

Submit

Current Search: S12: (robert victor marcon)[OW] docs: 17 occ: 51

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1	78288366		HEINEKEN	TARR	LIVE
2	78288368		SOUTHERN COMFORT	TARR	DEAD
3	78288367		ABSOLUT	TARR	DEAD
4	78288365		FINLANDIA	TARR	DEAD
5	78288364		COORS	TARR	DEAD
6	78288361		BUDWEISER	TARR	DEAD
7	78288359		JACK DANIEL'S	TARR	DEAD
8	78288358		DOM PERIGNON	TARR	DEAD
9	78230510		ABSOLUT WATER	TARR	DEAD
10	76596736		L'OREAL PARIS	TARR	LIVE
11	76596737		BAYER	TARR	LIVE
12	76596738		NESTLÉ	TARR	DEAD
13	76596735		NESCAFÉ	TARR	DEAD
14	76596734		JACK DANIEL'S	TARR	DEAD
15	76596733		CHANEL	TARR	DEAD
16	76577011		EVIAN	TARR	DEAD
17	76577010		TIM HORTONS	TARR	DEAD

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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-20 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides past commercial activities regarding the Defendant's trademark "L'Oreal Paris". This information is provided by the Defendant.

# Aloe Farms, Inc. ®



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*Welcome to Aloe Farms, where our customers are our first priority. We pride ourselves on the perfected products we turn out and the excellent service we provide. Since 1976, we have been changing lives with our products. We are one of the few manufacturers of Aloe Vera who make their products fresh. Our products are made from organic plants grown in the United States. We provide the highest quality Aloe Vera. No lies, no gimmicks, just perfect Aloe Vera products. A large portion of Aloe Vera products on the market today are manufactured by Aloe Farms. We have been number one in the market for many years and plan to stay on top. Our goal is make everyone aware of what Aloe Vera can do and to help improve health. You get the best and freshest products straight from the farm...Aloe Farms.*

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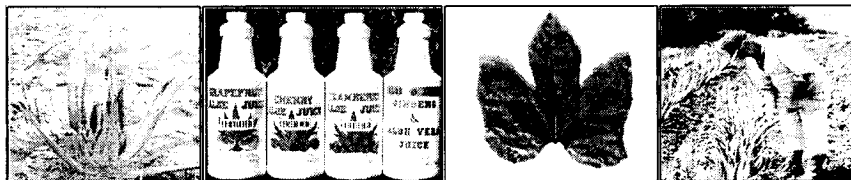


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[aloe@aloeearthlink.net](mailto:aloe@aloeearthlink.net)

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Street Address

City, State and Zip

**Samples**

Aloe Vera Juice

Aloe Vera Gel

Cranberry & Aloe Vera

Lemon & Aloe Vera

Cranberry & Aloe Vera

Cherry & Aloe Vera

Extra Strength Aloe Vera

Chaya Tea

Chaya & Aloe Vera

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
Related Searches: aloe vera gel juice, aloe vera juice drink, aloe vera juice extraction [View all](#)

Refine Search:

<b>Category:</b>	Fruit & Vegetable Juice (393)	Fruit Juice (150)	Aloe Vera Extract (77)	Health Food (108)	
	Plant Extract (100)	Herbal Extract (83)	Canned Juice (24)	Healthcare Supplement (37)	<a href="#">More...</a>
<b>Product Type:</b>	Juice (393)	Fruit Juice (150)	Vegetables Juice (19)	Beverage (7)	
<b>Primary Ingredient:</b>	Aloe (358)	Grape (6)	Pineapple (8)	Passion Fruit (5)	<a href="#">More...</a>
<b>Certification:</b>	GMP (55)	ISO (47)	GAP (1)	KOSHER (5)	<a href="#">More...</a>
<b>Supplier Location:</b>	India (355)	China (Mainland) (176)	Thailand (27)	South Korea (36)	
	Taiwan (34)	Vietnam (19)	United States (45)	Slovakia (Slovak Republic) (13)	<a href="#">More...</a>





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in flavor white grape, peach, apple, green tea...Category: Food & Beverage | Fruit & Vegetable Juice  
RelatedKeywords: Aloe Vera Juice | Juice | Health FoodShinn Nan World Trade Co., Ltd.  
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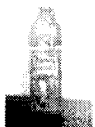
Min. Order: 500 Kilograms

Category: Food &amp; Beverage | Fruit &amp; Vegetable Juice

RelatedKeywords: Aloe Vera Juice | Aloe vera Gel

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**96% Pure Aloe vera juice for beauty-slimming-500ml** 9 Similar

96% Pure Aloe vera juice drink, 500ml pack in PET bottle, health drink-good for beauty-slimming, Detoxify, diabetes, hypertension...

Category: Food &amp; Beverage | Fruit &amp; Vegetable Juice

RelatedKeywords: Aloe Juice | Aloe Vera Drink | Health Drink



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See a Sample**Aloe Vera Juice** 6 Similar

Aloe Vera Juice with Pulp (Package: 350ml, 500ml, 1500ml)

\* Pure Aloe vera juice drink,  
\* Pack in PET bottle or glass bottle...

Category: Food &amp; Beverage | Fruit &amp; Vegetable Juice



RelatedKeywords: Aloe Juice | Aloe Vera Juice | Aloe Vera Juice Drink

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looking for in the Search  
Bar and click Search**aloe vera juice** 22 Similar

AloePure is a natural aloe juice product delivering a mild taste...

Category: Food &amp; Beverage | Fruit &amp; Vegetable Juice

RelatedKeywords: Aloe Vera Juice | Aloe Vera Drink | Aloe Drink

Taishan AGHG Aloe Products Co., Ltd.  
[ Manufacturer ] China (Mainland) Gold Supplier [Verified Member][Offline](#)[Contact Supplier](#)**Contact Suppliers**[Click Contact Now](#) to send

**natural Aloe Vera Juice** 4 Similar

natural Aloe Vera Juice 100% Natural Health Drink without any side effect...

Min. Order: 100 Pieces

Category: Food & Beverage | Health Food

RelatedKeywords: Natural Aloe Vera Juice | Aloe Vera | Aloe Vera Gel Drink

**Ice Cool Aloe Vera Juice with Pulp (Honey Lemon, Grapefruit, Grape, Peach, Lychee)** 5 Similar

There are 5 flavours for this product, namely: Honey Lemon (in picture), Grapefruit, Grape, Lychee, Peach...

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera Juice

**DETOX PLUS ALOE VERA JUICE** **New Arrival** 3 Similar

Strengthens Immunity System.Powerful Antioxidant and Detoxifier.Helps in Weight Loss,Liver Disorder,Digestive Disorder...

Min. Order: 1000 Liters FOB Price: US \$7.5-7.75 / Liter

Category: Food & Beverage | Health Food

RelatedKeywords: Natural Health Care Product | Herbal Nutritional Supplements | Aloe Vera Juice

**Aloe Vera juice** 2 Similar

Aloe Vera Crushed 10% mix with electrolyte and fruit juice in plastic can...

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera Juice | Aloe Vera Products

**Aloe vera juice** 3 Similar

Aloe vera juice. We offer 100% stabilized aloe vera juice. We use unique & patented stabilization process which ensures...

Min. Order: 100 Kilograms

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera Juice

**Aloe Vera juice** 8 Similar

Aloe Vera is helpful in rejuvenating the body's immune system, regulate blood sugar levels and improve digestion...

Min. Order: 10000 Units FOB Price: US \$7-8 / Unit

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera Juice | Health Drink | Aloe Vera

**Aloe vera Juice** 6 Similar

Aloevera Juice, Pure Aloe Vera Juice, Alovera Gel Juice, Aloevera for stomach, Aloevera Juice for slimming...

Min. Order: 1200 Liters FOB Price: US \$3-3.5 / Liter

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Juice | Aloe Vera Juice | Aloevera Juice

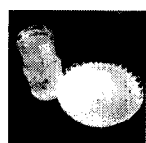
**Aloe Vera Juice**

Aloe Vera Juice is a mixture of almost 70 ingredients of which the prime ingredients are minerals, enzymes, proteins, amino acid...

Min. Order: 100 Liters

Category: Food & Beverage | Health Food

RelatedKeywords: Aloe Vera | Aloe Vera Drink | Aloe Vera Juice

**natural aloe vera juice** 13 Similar

ingredients: vera, water, sugar

net:248g

solid:>=45%

storage:avoid sunshine.refrigerate after opening...

Min. Order: 18 Tons

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Natural Aloe Vera Juice | Drinks | Aloe

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**MYTIME-66665 aloe vera juice** 5 Similar

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the hottest sex medicine  
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24 small bag puer  
herbal...

Min. Order: 100 Packs FOB Price: US \$0.07-7.77 / Pack

Category: Health & Medical | Body Weight

RelatedKeywords: Aloe Vera Juice | Weight Loss | Loss Weight

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**Aloe Vera Gel Dice/Aloe Vera Drink/Aloe Vera Juice** 45 Similar

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Category: Agriculture | Plant Extract

RelatedKeywords: Aloe Vera Gel Dice/aloe Vera Drink/aloe Vera Juice |

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Dice/aloe Vera Drink/aloe Vera Juice

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**Aloe Vera Juice with White Grape Flavour** 3 Similar

Aloe Vera Drink with White Grape Flavour, Emerald glass package  
180ml x24 bottles 2,200 cartons / 20'ft container....

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera | Aloe Vera Products | Aloe Vera Drink

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**Spotlight LOV - Aloe Vera Juice health juice** 5 Similar

LOV - Aloe Vera Juice health juice...

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: LOV - Aloe Vera Juice Health Juice | Aloe Vera  
Health Drink | Aloe Vera Flavoured Health Juice

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**aloe vera gel juice concentrate** 2 Similar

aloe vera gel juice concentrate:  
zibo dacon natural products is specialised in producing aloe vera juice  
concentrate....

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera Gel Juice Concentrate | Aloe Vera Gel  
Juice | Aloe Vera

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**ALOE VERA JUICE**

NATURAL ALOE VERA JUICE AVAILABLE IN BULK QUANTITIES....

Category: Food & Beverage | Fruit & Vegetable Juice

RelatedKeywords: Aloe Vera Juice

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Product Details Aloe Vera Extract



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## Description features:

Our Aloe Vera Extract is organically processed. It is available in the following forms: GX-AV-EX-01 The Aloe Sap itself in a liquid form. It is extracted naturally without any form of processing. Its density must be of a minimum of 1086 of concentration of solid to be able to obtain a minimum of 33% of concentration of Aloin. GX-AV-EX-02 Highly condensed liquid form. The Aloe Sap through processes condensed into 20 ~ 30 : 1 liquid format, which could reduce the cost of transportation at the same time. They can be used in cosmetics and pharmaceutical applications. We also have other products which could be suitable to your needs, please send messages for our technical bulletins.

[View More details for this product](#)

Original China

Main Market : North America

South America

Western Europe

Eastern Europe

Southeast Asia

Eastern Asia

Africa

Oceania

Middle East

Update : 2008-11-20 21:53:25

Genereux Company

We are wholesale trading company stationed in Hong kong, whom has our own sources in providing good quality Aloe Vera raw materials to related industries of different markets. We also have our own sources in helping our clients to produce Aloe Vera OEM products, from cosmetic or skin care to food or health products with their own brands.

Showing 1-3 of 3 records found Prev 1 Next

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Aloe Vera Freeze-dried Powder - Regular (GX-AV-PD-01) We guaranteed quality stabilized 50:1

Freeze-dried Aloe Vera Powder decolorized, which keeps various kinds of effective composition of Aloe Vera. They can be used in nutrition, cosmetics, pharmaceutical applications. The form of powder can reduce ...

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Related Categories: [uva ursi extract, 20%] [coir dust]

Related Keywords [plant extracts that] [tanshinone iia] [panax ginseng]

Inquiries of this product

• aloe ferox

more inquiries

Aloe Vera Juice

Our aloe vera juice is very concentrate with 99% aloe sap. The juice will start its action from the detoxification of the body, then recharging it with immunity power. Because of its nutritional qualities and anti oxidant properties, it acts as a immunomodulator and delays the ageing process.Nutriti..  
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Related Keywords [inulin, isoflavone,matrine egcg] [tea, green, extract, 70 40 25%] [project title]

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Related Keywords [emblica extract] [option title] [land title]

Contact Information

Contact Person : Mr. Gary Lai  
Company : Genereux Company  
Address : Front Portion,2/F.,207 Castle Peak Road, Yuen Long, N. T., Hong Kong  
Zip/Postal :  
Telephone : 852-8200-0236  
Fax : 852-3579-0188  
Mobile :  
Country : Hong Kong

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www.floridafood.com

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### Aloe Vera Drinks -A Nature's beverage of aloe vera juice/chamomile ...

Herbalife's refreshing aloe vera drink helps soothe the digestive system, improve weight loss and assists the self-cleansing action of your body.  
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### Aloe Vera Beverage Manufacturers & Suppliers

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www.globalsources.com/manufa...

### Chung Dha Lam: Aloe Vera beverage trends

Oct 27, 2008 ... But this post is bit on promoting Aloe Vera, most people know Aloe Vera is one of the ingredients in shampoo or special cremes to make you ...  
www.chungdha.com/2008/10/alo...

### Aloe Vera Beverage and Health Benefits

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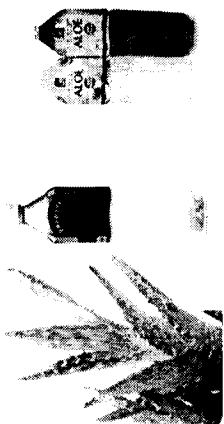
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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-21 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides past commercial activities regarding some of the Defendant's other trademarks. This information is provided by the Defendant.

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Word Mark **NUTRADENT**  
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Mark Drawing Code (1) TYPED DRAWING  
Serial Number 76251596  
Filing Date May 4, 2001  
Current Filing Basis 1B;44D  
Original Filing Basis 1B;44D  
Owner (APPLICANT) Marcon, Robert V. INDIVIDUAL CANADA 3471 Sinnicks Avenue Niagara Falls CANADA L2J 2G6  
Priority Date November 16, 2000  
Type of Mark TRADEMARK  
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**APPLICATION NUMBER:**

1082882

**REGISTRATION NUMBER:**

not registered

**STATUS:**

ABANDONED - SECTION 40(3)

**FILED:**

2000-11-16

**FORMALIZED:**

2000-12-11

**ADVERTISED:**

2003-06-11

**INACTIVATED:**

2005-03-23

**APPLICANT:**ROBERT V. MARCON  
3471 Sinnicks Ave.  
Niagara Falls  
L2J 2G6  
ONTARIO**TRADE-MARK:****NUTRADENT****INDEX HEADINGS:**

NUTRADENT

DENT, NUTRA

**WARES:**

(1) Dental products namely dental floss, mouthwash, chewing gum, tooth paste, tooth whitening compounds, denture whiteners and cleaners, toothbrushes, lozenges, antibacterial oral syrup, mints, breath fresheners.

**CLAIMS:**

Proposed Use in CANADA.

<b><u>ACTION</u></b>	<b><u>DATE</u></b>	<b><u>BF</u></b>	<b><u>COMMENTS</u></b>
Filed	16 November 2000		
Created	22 November 2000		
Formalized	11 December 2000		
Search Recorded	23 April 2002		
Examiner's First Report	23 April 2002	23 August 2002	



Correspondence Created	22 August 2002		
Extension of Time	16 September 2002	23 February 2003	Request Letter Date: 2002/08/13
Correspondence Created	19 September 2002		
Extension of Time	13 February 2003	23 August 2003	Request Letter Date: 2003/01/23
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### Patent Summary

**(12) Patent Application:**      **(11) CA 2226585**

**(54) English Title:**              CHEWING GUM COMPOSITION

**(54) French Title:**                COMPOSITION DE GOMME A MACHER

[Abstract](#)

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## English Abstract

A chewing gum composition which can help reduce dental decay, and dentinal hypersensitivity. To achieve these results the consumer begins by masticating this new chewing gum composition in order to produce excess saliva. This operation loosens much of the food particles left in the mouth and permits them to be easily swallowed. Many of these particles are also assimilated into the chewing gum composition and so removed as harmful agents. Excess saliva will also begin to dilute the acids produced by dental plaques but by employing, into the chewing gum composition, one or more water soluble alkaline compounds significantly more will be neutralized. Moreover, a chewing gum composition containing sodium bicarbonate or other abrading agent and or a peroxide based compound will gently scrub teeth and so help minimize the accumulation of bacterial plaques. Sodium bicarbonate also has the ability to absorb odours and, therefore, the effects of halitosis can be reduced by its use. Odours are not just masked but are absorbed, thus, providing a much more effective solution than that of odour masking. Masticating a chewing gum composition containing a peroxide based compound will release significant amounts of oxygen thereby lessening the quantity of oral plaques. In turn, the unpleasant odours sporadically exhibited by these plaques will be reduced also. Finally, the further incorporation of a fluoride based compound and or a dental desensitizing agent will notably reduce dental decay and or dentinal hypersensitivity, respectively. This product, therefore, provides an effective, convenient, inexpensive, and safe solution in helping reduce dental plaques, oral odours, and dentinal hypersensitivity.

## French Abstract

Composition de gomme à mâcher pouvant aider à réduire la carie dentaire et l'hypersensibilité dentinaire. Pour atteindre ces résultats, le consommateur commence à mastiquer cette nouvelle composition de gomme à mâcher afin de stimuler une production excédentaire de salive. Cette opération dégage la majeure partie des particules alimentaires restées dans la bouche, permettant ainsi à la personne de les avaler facilement. Un grand nombre de ces particules sont également assimilées dans la composition de la gomme à mâcher, ces agents nuisibles étant alors retirés. La salive excédentaire commencera aussi à diluer les acides produits par la plaque dentaire. Toutefois, une quantité significativement plus importante d'acides sera neutralisée si un ou plusieurs composés alcalins hydrosolubles sont ajoutés dans la composition de la gomme à mâcher. En outre, une composition de gomme à mâcher contenant du bicarbonate de soude ou un autre agent abrasif et/ou un composé à base de peroxyde contribuera à broser doucement les dents et, ainsi, à réduire l'accumulation de plaque bactérienne. Comme le bicarbonate de soude a aussi la propriété d'absorber les odeurs, il peut par conséquent contribuer à réduire la mauvaise haleine. Les odeurs ne sont pas simplement masquées, mais absorbées. Cette solution est donc plus efficace que de masquer les odeurs. Mastiquer une composition de gomme à mâcher contenant un composé à base de peroxyde libérera des quantités importantes d'oxygène, atténuant par conséquent la quantité de plaque bucco-dentaire. En retour, les odeurs déplaisantes dégagées sporadiquement par cette plaque seront également moins importantes. Enfin, l'incorporation additionnelle d'un composé à base de fluorure et/ou d'un agent désensibilisant dentaire réduira de façon notable la carie dentaire et/ou l'hypersensibilité dentinaire respectivement. Par conséquent, ce produit offre une solution efficace, commode, peu coûteuse et sûre pour aider à réduire la plaque dentaire, les odeurs buccales et l'hypersensibilité dentinaire.

## Patent Details

**(51) International Patent Classification (IPC):**

**A23G 4/12** (2006.01)  
**A23G 3/30** (1995.01)

**(72) Inventors (Country):**

**MARCON, ROBERT V.** (Canada)

**(73) Owners (Country):**

**MARCON, ROBERT V.** (Canada)

**(71) Applicants (Country):**

**MARCON, ROBERT V.** (Canada)

**(74) Agent:**

**NA**

**(45) Issued:**

**(22) Filed Date:**

**1998-03-16**

**(41) Open to Public Inspection:**

**1998-09-17**

**Examination requested:**

**1998-03-16**

**(30) Availability of licence:**

**N/A**

**(30) Language of filing:**

**English**

**Patent Cooperation Treaty (PCT):**

**No**

### **(30) Application Priority Data:**

**Application No.**

**Country**

**Date**

60/040,935

United States of America

1997-03-17

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<a href="#">Claims</a>	<a href="#">Claims</a>	175	5
<a href="#">Description</a>	<a href="#">Description</a>	1,230	23
Drawings	Drawings	N/A	N/A
Representative Drawing	Representative Drawing	N/A	N/A

Last Updated: 2010-07-22

**United States Patent** [19]**Marcon**[11] **Patent Number:** **5,967,155**[45] **Date of Patent:** **Oct. 19, 1999**[54] **MEDICATED DENTAL FLOSS**[76] **Inventor:** **Robert Victor Marcon**, 3471 Sinnicks Ave., N. Falls, Ont., Canada, L2J 2G6[21] **Appl. No.:** **09/112,862**[22] **Filed:** **Jul. 9, 1998****Related U.S. Application Data**[60] **Provisional application No.** 60/052,165, Jul. 10, 1997.[51] **Int. Cl.<sup>6</sup>** ..... **A61C 15/00; A61K 7/26**[52] **U.S. Cl.** ..... **132/321; 132/323; 132/329; 424/58**[58] **Field of Search** ..... **132/325, 321, 132/323, 329, 324, 326, 327, 328; 424/58, 52, 48***Primary Examiner*—John J. Wilson*Assistant Examiner*—Robyn Doan[57] **ABSTRACT**

The present invention relates to a medicated dental floss comprising a dental floss and at least one dental desensitizing agent. Depending upon the structure, formulation, and final effects desired a binder may also be used to attach, adhere or otherwise incorporate a dental desensitizing agent onto or into the dental floss. In order to provide various other qualities one or more other ingredients, compounds or substances such as fluorides, peroxide based compounds, abrading agents, pigmenting agents, sweeteners, and flavoring agents may also be incorporated into or utilized by the medicated dental floss disclosed herein. Regular use of such a medicated dental floss will significantly reduce the incidence of dental hypersensitivity as well as providing all other benefits normally associated with flossing and in a way that is convenient, inexpensive, and safe.

**12 Claims, No Drawings**



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## Canadian Patents Database

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### Patent Summary

<b>(12) Patent:</b>	<b>(11) CA 2239400</b>
<b>(54) English Title:</b>	MEDICATED DENTAL FLOSS
<b>(54) French Title:</b>	SOIE DENTAIRE MEDICAMENTEUSE

[Abstract](#)

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### English Abstract

**Note: The Abstract is shown in the official language in which it was submitted.**

26

The present invention relates to a medicated dental floss comprising a dental floss and at least one dental desensitizing agent. Depending upon the structure, formulation, and final effects desired a binder may also be used to attach, adhere or otherwise incorporate a dental desensitizing agent onto or into the dental floss. In order to provide various other qualities one or more other ingredients, compounds or substances such as fluorides, peroxide based compounds, abrading agents, pigmenting agents, sweeteners, and flavouring agents may also be incorporated into or utilized by the medicated dental floss disclosed herein. Regular use of such a medicated dental floss will significantly reduce the incidence of dental hypersensitivity as well as providing all other benefits normally associated with flossing and in a way that is convenient, inexpensive, and safe.

---

**United States Patent** [19]**Marcon**[11] **Patent Number:** **6,102,050**[45] **Date of Patent:** **Aug. 15, 2000**[54] **REMEDIAL DENTAL FLOSS**

[76] Inventor: **Robert Victor Marcon**, 3471 Sinnicks  
Avenue, N. Falls Ont., Canada, L2J  
2G6

5,033,488 7/1991 Curtis et al. .... 132/321  
5,374,417 12/1994 Norfleet et al. .... 424/49  
5,526,831 6/1996 Gilligan et al. .... 132/321  
5,711,935 1/1998 Hill et al. .... 424/49  
5,755,243 5/1998 Roberts et al. .... 132/321

[21] Appl. No.: **09/112,863**[22] Filed: **Jul. 9, 1998***Primary Examiner*—John J. Wilson*Assistant Examiner*—Robyn Doan[57] **ABSTRACT****Related U.S. Application Data**

[60] Provisional application No. 60/052,167, Jul. 10, 1997.

[51] **Int. Cl.**<sup>7</sup> ..... **A61C 15/00**; A61K 7/26;  
A61K 7/18[52] **U.S. Cl.** ..... **132/321**; 132/329; 132/323;  
424/58; 424/52[58] **Field of Search** ..... 132/324, 321,  
132/323, 329, 326, 327, 328; 424/58, 52,  
48[56] **References Cited****U.S. PATENT DOCUMENTS**

3,830,246 8/1974 Gillings ..... 132/89  
4,817,643 4/1989 Olson ..... 132/329  
4,952,392 8/1990 Thame ..... 424/58  
4,986,288 1/1991 Kent et al. .... 132/321  
4,996,056 2/1991 Blass ..... 424/443

The present invention relates to a remedial dental floss comprising a dental floss and titanium dioxide particles of 6.0 microns or less. Depending upon the structure, formulation, and final effects desired a binder may also be used to attach, adhere or otherwise incorporate particles of titanium dioxide and other substances onto or into the dental floss. In order to provide various other qualities one or more other ingredients, compounds or substances such as fluorides, peroxide based compounds, abrading agents, other pigmenting agents, sweeteners, and flavoring agents may also be incorporated into or utilized by the remedial dental floss disclosed herein. Regular use of such a remedial dental floss will significantly reduce the interproximal staining and discolorment of dental surfaces as well as providing all other benefits normally associated with flossing in a way that is convenient, inexpensive, and safe.

**20 Claims, No Drawings**



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## Canadian Patents Database

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### Patent Summary

**(12) Patent:****(11) CA 2239398****(54) English Title:**

REMEDIAL DENTAL FLOSS

**(54) French Title:**

SOIE DENTAIRE CORRECTIVE

[Abstract](#)[Patent Details](#)[View or Download Images](#)[View Administrative Status](#)[Show all claims](#)

### English Abstract

**Note: The Abstract is shown in the official language in which it was submitted.**

The present invention relates to a remedial dental floss comprising a dental floss and titanium dioxide particles of 6.0 microns or less. Depending upon the structure, formulation, and final effects desired a binder may also be used to attach, adhere or otherwise incorporate particles of titanium dioxide and other substances onto or into the dental floss. In order to provide various other qualities one or more other ingredients, compounds or substances such as fluorides, peroxide based compounds, abrading agents, other pigmenting agents, sweeteners, and flavouring agents may also be incorporated into or utilized by the remedial dental floss disclosed herein. Regular use of such a remedial dental floss will significantly reduce the interproximal staining and discolorment of dental surfaces as well as providing all other benefits normally associated with flossing in a way that is convenient, inexpensive, and safe.

---

(12) **United States Patent**  
**Marcon et al.**

(10) **Patent No.:** **US 6,619,300 B2**  
 (45) **Date of Patent:** **Sep. 16, 2003**

(54) **FLAVOR ENHANCED PROTECTIVE  
 DENTAL FLOSS**

(76) Inventors: **Robert Victor Marcon**, 3471 Sinnicks  
 Avenue, Niagara Falls, Ont. (CA), L2J  
 2G6; **Lawrence Wayne Nash**, 17  
 Beachview Drive, St. Catharines, Ont.  
 (CA), L2N 3W2

(\*) Notice: Subject to any disclaimer, the term of this  
 patent is extended or adjusted under 35  
 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **10/023,356**

(22) Filed: **Dec. 17, 2001**

(65) **Prior Publication Data**

US 2002/0074012 A1 Jun. 20, 2002

**Related U.S. Application Data**

(60) Provisional application No. 60/255,823, filed on Dec. 18,  
 2000.

(51) Int. Cl.<sup>7</sup> ..... **A61C 15/00**

(52) U.S. Cl. .... **132/321; 132/200; 424/49**

(58) Field of Search ..... **132/321, 323,**  
**132/324, 325, 326, 327, 328, 329, 200;**  
**424/52, 58, 48, 53, 49**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

3,838,702 A \* 10/1974 Standish et al. .... 132/321

3,897,795 A \* 8/1975 Engel ..... 132/321  
 3,943,949 A \* 3/1976 Ashton et al. .... 132/321  
 4,983,404 A \* 1/1991 Raman et al. .... 426/3  
 5,357,990 A \* 10/1994 Suhonen et al. .... 132/321  
 5,607,681 A \* 3/1997 Galley et al. .... 424/405  
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 6,145,516 A \* 11/2000 Guay et al. .... 132/321  
 6,197,288 B1 \* 3/2001 Mankoo ..... 424/76.1

\* cited by examiner

*Primary Examiner*—Kevin Shaver

*Assistant Examiner*—David C. Comstock

(57) **ABSTRACT**

The present invention relates to a flavor enhanced protective dental floss comprising a dental floss and various dental desensitizing formulations that taste good. Regular use of such a flavor enhanced protective dental floss will therefore provide not only a significant reduction in the incidence of dental hypersensitivity but also provide all other benefits normally associated with flossing. As a result, consumers will now be able to achieved better overall results; inexpensively, safely, and in a much more pleasurable manner than is otherwise possible.

**21 Claims, No Drawings**



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### Patent Summary

**(12) Patent Application:**

**(11) CA 2364700**

**(54) English Title:**

FLAVOUR ENHANCED PROTECTIVE DENTAL FLOSS

**(54) French Title:**

SOIE DENTAIRE DE PROTECTION A AROME AMELIORE

[Abstract](#)

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### English Abstract

**Note: The Abstract is shown in the official language in which it was submitted.**

The present invention relates to a flavour enhanced protective dental floss comprising a dental floss and various dental desensitizing formulations that taste good. Regular use of such a flavour enhanced protective dental floss will therefore provide not only a significant reduction in the incidence of dental hypersensitivity but also provide all other benefits normally associated with flossing. As a result, consumers will now be able to achieved better overall results; inexpensively, safely, and in a much more pleasurable manner than is otherwise possible.

---

(12) **United States Patent**  
**Marcon et al.**

(10) **Patent No.:** **US 6,619,299 B2**  
(45) **Date of Patent:** **Sep. 16, 2003**

(54) **FLAVOR ENHANCED WHITENING DENTAL FLOSS**

(76) Inventors: **Robert Victor Marcon**, 3471 Sinnicks Avenue, Niagara Falls Ont. (CA), L2J 2G6; **Lawrence Wayne Nash**, 17 Beachview Drive, St. Catharines Ont. (CA), L2N 3W2

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **10/023,355**

(22) Filed: **Dec. 17, 2001**

(65) **Prior Publication Data**

US 2002/0112737 A1 Aug. 22, 2002

#### **Related U.S. Application Data**

(60) Provisional application No. 60/255,822, filed on Dec. 18, 2000.

(51) Int. Cl.<sup>7</sup> ..... **A61C 15/00**

(52) U.S. Cl. .... **132/321; 132/200; 424/49**

(58) **Field of Search** ..... **132/321, 323, 132/324, 325, 326, 327, 328, 329, 200; 424/52, 58, 48, 53, 49**

(56) **References Cited**

#### **U.S. PATENT DOCUMENTS**

3,838,702 A \* 10/1974 Standish et al. .... 132/321

3,897,795 A \* 8/1975 Engel ..... 132/321  
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5,357,990 A \* 10/1994 Suhonen et al. .... 132/321  
5,607,681 A \* 3/1997 Galley et al. .... 424/405  
5,880,076 A \* 3/1999 Vermeer ..... 510/123  
5,967,153 A \* 10/1999 Mitha et al. .... 132/321  
5,967,155 A \* 10/1999 Marcon ..... 132/321  
6,080,481 A \* 6/2000 Ochs et al. .... 428/372  
6,102,050 A \* 8/2000 Marcon ..... 132/321  
6,145,516 A \* 11/2000 Guay et al. .... 132/321

\* cited by examiner

*Primary Examiner*—Kevin Shaver

*Assistant Examiner*—David C Comstock

(57) **ABSTRACT**

The present invention relates to a flavor enhanced whitening dental floss that comprises a dental floss and various whitening formulations that taste remarkably good. Regular use of such a floss will therefore provide not only a significant improvement in the interproximal and subgingival whiteness of teeth but also provide all other benefits normally associated with flossing. As a result, consumers will now be able to achieve better overall results; inexpensively, safely, and in a much more pleasurable manner than is otherwise possible.

**21 Claims, No Drawings**



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### Patent Summary

**(12) Patent Application:**

**(11) CA 2364709**

**(54) English Title:**

FLAVOUR ENHANCED WHITENING DENTAL FLOSS

**(54) French Title:**

SOIE DENTAIRE BLANCHISSANTE A AROME AMELIORE

[Abstract](#)

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### English Abstract

**Note: The Abstract is shown in the official language in which it was submitted.**

38

The present invention relates to a flavour enhanced whitening dental floss that comprises a dental floss and various whitening formulations that taste remarkably good. Regular use of such a floss will therefore provide not only a significant improvement in the interproximal and subgingival whiteness of teeth but also provide all other benefits normally associated with flossing. As a result, consumers will now be able to achieve better overall results; inexpensively, safely, and in a much more pleasurable manner than is otherwise possible.

---

4602486A

May 8 2000

9 Ottawa St.  
St. Catharines Ontario  
Canada L2R1Z1

Dear sir,

please send me a copy of your non-disclosure and intermediary agreements for U.S. patented outside products. The patents are for two items in which you may have some interest.

Item: **Desensitizing Floss**

Item: **Whitening Floss**

Yours sincerely,



---

Lawrence Wayne Nash  
Fax and Phone 905-641-3078  
lnash2@home.com



Johnson & Johnson

CONSUMER  
INFORMATION  
CENTER

Johnson & Johnson Consumer Products Company	1-800-526-3967
Personal Products Company	1-800-526-3967
Advanced Care Products	1-800-582-6097
Neutrogena Corporation	1-800-582-4048

May 17, 2000

Mr. Lawrence Wayne Nash  
9 Ottawa St  
St Catherines Ontario,  
Canada L2R1Z1

Dear Mr. Nash:

Thank you for your recent correspondence regarding a new product idea.

As you can imagine, Johnson & Johnson Consumer Products, Inc., (or Personal Products) receives a great many unsolicited ideas and suggestions. Because we wish to prevent possible misunderstanding regarding suggestions from individuals outside our company, we have adopted a review procedure which is outlined in the enclosed agreement. It is our policy only to review ideas which are embodied in issued or granted patents.

Please read the agreement carefully. If you wish to submit your patent under the specified terms, complete and sign the agreement, returning it to us with a copy of your patent. We do not accept any agreement forms other than our own. The postage-paid label is for your convenience in returning the material to us.

Please include the eight digit reference number listed below on any future correspondence you may have with us regarding your patent. Please allow a minimum of 8-10 weeks for evaluation of your patent.

Thank you again for your interest in Johnson & Johnson Consumer Products, Inc. (or Personal Products) and your willingness to share your patent with us.

Sincerely,

*Valerie Tramontana*

Valerie Tramontana  
Outside Suggestion Coordinator

4602486A

Enclosure

Johnson & Johnson  
CONSUMER COMPANIES, INC.  
199 Grandview Road, Skillman, NJ 08558-9418



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1-800-526-3967	1-800-526-3967

To: J&J Information Center  
Outside Suggestion Coordinator  
Johnson & Johnson Consumer Products, Inc.  
199 Grandview Road  
Skillman, NJ 08558

Reference # 4202486A-Nash, L

AGREEMENT FOR SUBMISSION OF PATENT

I wish to submit the patent attached hereto for consideration by Johnson & Johnson Consumer Products, Inc. and/or the Personal Products Company. I understand and agree that this patent will be considered by Johnson & Johnson Consumer Products, Inc. or the Personal Products Company only under the terms and conditions set forth below and further agree that these terms and conditions shall also apply to any previous or further disclosures made by me which relate to the patent attached hereto.

As used below, the words "the company" mean Johnson & Johnson Consumer Products, Inc., the Personal Products Company and any other affiliated companies.

1. The company does not solicit suggestions, and all submissions or disclosures of ideas are voluntary on the part of the submitter. No confidential relationship is established or implied by the company's acceptance or consideration of the submitted material. All suggestions must be made only in the form of the submission of an issued or granted patent. I agree not to make any other written or oral submissions to the company.
2. All patents will be submitted with this form and the company shall have the right to retain any material submitted to it in connection with the patent.
3. Patented ideas shall be considered only with the understanding that the submitter agrees to rely for his protection wholly on such rights as he may have under the patent laws.

The company shall not be obligated to give reasons for its decisions or to reveal its patent activities relating to the submitted idea. Negotiating or offering to purchase an idea will not prejudice the company nor be deemed an admission of the novelty, priority or originality of the idea.

*Agreed*

DR. LAWRENCE NASH  
By: SIGNED [Signature]

9 OTTAWA ST  
ST CATHARINES ONT  
CANADA L2R1Z1

Johnson & Johnson  
CONSUMER COMPANIES, INC.  
199 Grandview Road Skillman, NJ 08558-4410



I am submitting herewith U.S. Patent No. 5,967,155 for consideration by the company.

I represent and warrant to you that, except as noted herein, the material disclosed is wholly original with me, that no interest has been granted or acquired by others, and that I have full authority to make the disclosure and to execute this release.

Signature:



Address:

9 OTTAWA ST  
ST CATHARINES ONT  
CANADA L2R 1Z1

Date:

May 29 2000



Johnson & Johnson

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Johnson & Johnson  
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1-800-526-3967

Personal Products Company

1-800-526-3967

Advanced Care Products

1-800-582-6097

Neutrogena Corporation

1-800-582-4048

NOT  
FUNCTIONAL  
IN CANA

June 12, 2000

SWITCH BOARD 1-908-874-1000

MICHAEL HEAD 1-732-524-3248

Mr. Lawrence Wayne Nash  
9 Ottawa St  
St Catharines Ontario,  
Canada L2R1Z1

Dear Mr. Nash:

Thank you for submitting your idea to Johnson & Johnson Consumer  
Companies and/or Personal Products Company.

We have now received all necessary paperwork and are submitting for  
review to: Michael Head.

Further contact, correspondence and/or disposition will be through the  
individual indicated above. You may expect to hear from him/her  
directly in the near future. Please allow 6 to 8 weeks before  
initiating contact for any status update.

We appreciate your interest and your willingness to share your idea with  
us.

Sincerely,

*Valerie Tramontana*

Valerie Tramontana  
Outside Suggestion Coordinator

4602486C

cc: M. Head

Johnson & Johnson

CONSUMER COMPANIES, INC.  
199 Grandview Road, Skillman, NJ 08558-9418

11-20-00 Sept 5/2000

Sept. 5 2000

**Mr. Michael Head**

Outside Suggestion Coordinator  
Johnson and Johnson Consumer Products  
199 Grandview Rd. Skillman N.J. 08558

Lawrence Nash  
9 Ottawa St. St. Catharines  
Ontario Canada L2R1Z1  
1-905-641-3078  
drlnash@hotmail.com

Dear **Mr. Head**,

Enclosed is a signed agreement for submission of patent along with U.S. Patent #6,102,150 which issued Aug. 15, 2000. This is a patent for **medicated dental floss** to supplement that patent which I submitted to you in May 2000. You now have the patents for both the **desensitizing** and **whitening** flosses available for your assessment

We spoke briefly on the phone on August 21 2000 at which time you guessed that you had probably forwarded the patent to your technical people and that you or someone at your direction would get back to me in 2 or 3 days. I will call in a few days to follow up.

Sincerely yours,

---

Dr. Lawrence Nash

Johnson & Johnson

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New Brunswick, New Jersey  
Advanced Care Products  
Neutrogena Corporation

1-800-526-4646

1-800-526-4646

1-800-526-6094

1-800-526-4048

To: J&J Information Center  
Outside Suggestion Coordinator  
Johnson & Johnson Consumer Products, Inc.  
199 Grandview Road  
Skillman, NJ 08558

Reference # 4602486A-Nash, L

AGREEMENT FOR SUBMISSION OF PATENT

I wish to submit the patent attached hereto for consideration by Johnson & Johnson Consumer Products, Inc. and/or the Personal Products Company. I understand and agree that this patent will be considered by Johnson & Johnson Consumer Products, Inc. or the Personal Products Company only under the terms and conditions set forth below and further agree that these terms and conditions shall also apply to any previous or further disclosures made by me which relate to the patent attached hereto.

As used below, the words "the company" mean Johnson & Johnson Consumer Products, Inc., the Personal Products Company and any other affiliated companies.

1. The company does not solicit suggestions, and all submissions or disclosures of ideas are voluntary on the part of the submitter. No confidential relationship is established or implied by the company's acceptance or consideration of the submitted material. All suggestions must be made only in the form of the submission of an issued or granted patent. I agree not to make any other written or oral submissions to the company.
2. All patents will be submitted with this form and the company shall have the right to retain any material submitted to it in connection with the patent.
3. Patented ideas shall be considered only with the understanding that the submitter agrees to rely for his protection wholly on such rights as he may have under the patent laws.

The company shall not be obligated to give reasons for its decisions or to reveal its past or present activities relating to the submitted idea. Negotiating or offering to purchase an idea will not prejudice the company nor be deemed an admission of the novelty, priority or originality of the idea.

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CANADA L2R1Z1

  
Johnson & Johnson  
CONSUMER COMPANIES, INC.  
199 Grandview Road, Skillman, NJ 08558-9419

P 1 of 2 *Mark*

I am submitting herewith U.S. Patent No. 6102,050 for consideration by the company.

I represent and warrant to you that, except as noted herein, the material disclosed is wholly original with me, that no interest has been granted or acquired by others, and that I have full authority to make the disclosure and execute this release.

Signature:

*Paul*

Address:

9 OTTAWA ST  
ST CATHARINES ONT  
CANADA L2R1Z1

Date:

Sept 5/00

*Page 2 of 2 Paul*

*Johnson & Johnson*  
CONSUMER COMPANIES, INC.

Ronald N. Stricklin  
Vice President  
Worldwide Business Development

TEL (908) 874-2445  
FAX (908) 874-2005  
rstrick1@cpcus.jnj.com

October 31, 2000

Mr. Lawrence Nash  
9 Ottawa St., St. Catharines  
Ontario, Canada  
L2R1Z1

Dear Mr. Nash:

Thank you for submitting your idea to Johnson & Johnson Consumer Products, Inc.

Our evaluation of the information you submitted has been completed. Although your suggestion is not one which can be utilized by our company, we are pleased that you took the time to share it with us. To preserve the confidentiality of our own business interests, we do not disclose specific reasons why any suggestion is not of interest to us. In most cases, the subject matter has already been considered, is not practical for commercialization or is not feasible for other technical or business reasons.

We greatly appreciate your interest in our company and your willingness to share your ideas with us.

Sincerely,



Ronald N. Stricklin

RNS/lac

Cc: V. Tramontana  
M. Head

Mr. Robert V. Marcon,  
3471 Sinnicks Avenue,  
Niagara Falls, Ontario,  
Canada,  
L2J 2G6

March 29, 2004

**SENT VIA U.S. REGISTERED MAIL**

Mr. Ronald N. Stricklin,  
Vice President,  
Worldwide Business Development,  
Johnson & Johnson Consumer Companies, Inc.,  
199 Grandview Road,  
Skillman, NJ,  
U.S.A.,  
08558-9418

Dear Mr. Stricklin:

On October 31, 2000, you wrote me a letter (copy enclosed) that stated "Our evaluation of the information you submitted has been completed.", namely U.S. Patent Number 6,102,050 (copy enclosed). You further state therein that "Although your suggestion is not one which can be utilized by our company,...", and "In most cases, the subject matter has already been considered, is not practical for commercialization or is not feasible for other technical or business reasons.".

Those statements are clearly erroneous in view of your manufacture and international sale of Johnson & Johnson, Reach Whitening Floss and Tape.

I have also reviewed and studied your Whitening Floss and Tape and find it incredibly coincidental that you started marketing and selling them a short time after your review and final rejection of my aforesaid patent. Such actions do not seem

to constitute either proper or acceptable business behaviour.

That is because, it is my opinion that I was the first to conceive, file for patent protection, and obtain "Letters Patent" for whitening the interproximal surfaces of teeth using pigmenting floss and/or tape.

In addition, I have also completed a preliminary chemical analysis of both your Whitening Floss and Tape. That analysis was able to ascertain that your product contains at least silicon dioxide, in the sizes specified by my patent, as well as trace amounts of titanium dioxide.

However, alternative whitening agents include and are not limited to silicon dioxide. Thus, it does appear as though Johnson & Johnson saw my great patented idea and is attempting to improperly circumvent my rights by substituting the inferior, yet still effective, whitening agent silicon dioxide for my claimed titanium dioxide.

Consequently, I must respectfully request that my rights in this idea be honored. I also prefer to amicably settle this matter and am therefore willing to discuss any reasonable license agreement or other suitable arrangement if need be.

I look forward to receiving an appropriate response from you within one month of the date indicated above.

Cordially,

Mr. Robert V. Marcon



Of all the ideas for whitening your teeth,  
this one's the **brightest**.



Introducing  
**REACH® Whitening Floss**



**70% of stains form  
between your teeth.**  
That's why there's New  
REACH® Whitening Floss.  
It's the only floss clinically  
proven\* to whiten between  
your teeth. So your teeth get  
whiter every time you floss.

1. Titanium dioxide:

- (a) A white water-in-soluble powder that melts at 1560 degrees Celsius, and which is produced commercially from the titanium dioxide minerals ilmenite and rutile, used in paints and cosmetics. Also known as titania; titanic anhydride; titanium oxide; and titanium white.
- (b) Chem. a white, water-insoluble powder used chiefly in white pigments, plastics, ceramics, and for delustering synthetic fibers.
- (c) Titanium white, a pigment used in painting, consisting chiefly of titanium dioxide and noted for its brilliant white color, covering power, and permanence.

2. Silica:

- (a) The dioxide form of silicon occurring especially as quartz sand, flint, and agate: used usually in the form of its prepared **white powder** chiefly in the manufacture of glass, water glass, ceramics, and abrasives.

**FOOTNOTES**

- (a) Random House, Unabridged Dictionary, Second Edition.


## Activation Laboratories Ltd. Work Order: 25986 Report: 25808R

SAMPLE NO.	SIZE IN MICRONS	LOCAL (%)	UNDERSIZE (%)	OVERSIZE (%)
pca lid #flo	0.5-1.0	0.68	0.00	99.32
	1.0-1.5	0.76	1.44	98.56
	1.5-2.0	2.42	3.86	96.14
	2.0-2.5	2.51	6.37	93.63
	2.5-3.0	3.01	9.38	90.62
	3.0-3.5	7.08	16.46	83.54
	3.5-4.0	5.17	21.63	78.37
	4.0-4.5	4.56	26.19	73.81
	4.5-5.0	6.63	32.82	67.18
	5.0-5.5	5.42	38.24	61.76
	5.5-6.0	8.23	46.47	53.53
	6.0-6.5	6.48	52.96	47.04
				41.79
				33.89
				23.12
				100

Activation Laboratories Ltd. Work Order No. 24310 Report No. 24104

SAMPLE	SiO2 %	Al2O3 %	Fe2O3 %	MnO %	MgO %	CaO %	Na2O %	K2O %	TiO2 %	P2O5 %	LOI TOTAL %	Ba ppm	Sr ppm	Y ppm	Sc ppm	Zr ppm	Be ppm	V ppm	
PCA LTD TiO2	56.21	0.12	0.03	0.002	0.03	0.09	0.66	0.81	0.021	0.52	*	58.48	19	5	-1	-1	20	-1	-5
PCA LTD TiO2/R	58.21	0.11	0.03	0.002	0.03	0.09	0.59	0.79	0.020	0.53	*	60.40	18	5	-1	-1	25	-1	-5
* Insufficient sample for LOI determination.																			
SY3 CERT	59.62	11.75	6.49	0.32	2.67	8.26	4.12	4.23	0.15	0.54	1.16	450	302	718	6.8	320	20	50	syenite
SY-3/A	60.11	11.53	6.30	0.320	2.49	8.04	4.07	4.30	0.139	0.53		428	308	718	10	329	21	50	
NIST 694 CERT	11.20	1.80	0.79	0.01	0.33	43.60	0.86	0.51	0.11	30.20		111	958	151	5	107	4	1524	1735 western phosphate rock
NIST 694/A	10.82	1.90	0.71	0.011	0.33	43.45	0.97	0.64	0.112	28.36		182	194	24	35	94	1.3	262	diabase
W-2 CERT	52.44	15.35	10.74	0.163	6.37	10.87	2.14	0.627	1.06	0.131	0.60	166	193	19	35	85	1	283	
W-2/A	52.42	15.31	10.74	0.163	6.37	10.83	2.31	0.64	1.062	0.14		114	145	18	31	41	1	148	dolerite
DNC-1 CERT	47.04	18.30	9.93	0.149	10.05	11.27	1.87	0.229	0.48	0.085	0.60	102	144	17	32	40	-1	139	
DNC-1/A	46.76	18.52	9.87	0.144	10.05	11.21	1.96	0.24	0.484	0.07		7.7	108	16	44	22	0.58	313	basalt
BIR-1 CERT	47.72	15.35	11.28	0.171	9.68	13.24	1.75	0.027	0.96	0.05		8	108	15	45	20	-1	322	
BIR-1/A	47.85	15.65	11.35	0.170	9.65	13.28	1.89	-0.01	0.975	0.03		1882	478	11	3.5	308	2.5	36	granite
G-2 CERT	69.08	15.35	2.66	0.032	0.75	1.86	4.08	4.48	0.48	0.14		1897	482	9	3	306	2	34	
G-2/A	69.52	15.37	2.60	0.032	0.74	1.93	4.11	4.56	0.483	0.14		708	1041		41			296 fly ash	
NBS 1633b CERT	49.24	28.43	11.13	0.020	0.799	2.11	0.271	2.26	1.32	0.53		697	1041	90	41	228	13	280	
NBS 1633b/A	49.14	28.56	11.00	0.016	0.79	2.13	0.30	2.38	1.296	0.55		580	700	46	0.61	1210	8.6	16.7	syenite
STM-1 CERT	59.84	18.39	5.22	0.22	0.101	1.08	8.84	4.28	0.135	0.158		574	701	44	1	1211	9	-5	
STM-1/A	60.82	18.22	5.14	0.219	0.10	1.13	8.79	4.26	0.127	0.17		1.5	3	8	0.38	2.4	4.7	4	iron form sample
IF-G CERT	41.20	0.15	55.85	0.042	1.89	1.55	0.032	0.012	0.014	0.063		4	3	7	-1	12	4	-5	
IF-G/A	40.44	0.12	57.54	0.036	1.91	1.52	0.04	-0.01	-0.001	0.07		200	39	0.3	0.05	13	1	3	K-feldspar
FK-N CERT	55.02	18.61	0.08	0.005	0.01	0.11	2.58	12.81	0.02	0.02		193	37	-1	-1	-1	-1	-5	
FK-N/A	55.84	18.26	0.08	0.002	0.01	0.10	2.56	12.50	-0.001	0.02									

Note: Certificate data underlined are recommended values; other values are proposed except those preceded by a "\*" which are information values.  
Note: The Fe2O3 for the standards is Total Fe2O3 and has not been adjusted for the FeO.

  
Adrienne I. Rittau, B.Sc., C.Chem  
ICP Technical Manager

## Top 10 Dental Floss Brands

DIALOG(R)File 93:TableBase(R) Sep  
(c) 2004 The Gale Group. All rts. reserv.

US top 10 dental floss brands by dollar and unit sales through  
supermarkets, drugstores and discount stores for the 52 weeks ended  
January 26, 2003

TOP BRANDS	Dollar Sales **	Unit Volume ***
1. Glide	\$26.6 mil.	6.7 mil.
2. Reach	24.6 mil.	13.5 mil.
3. Reach Easy Slide	8.3 mil.	3.0 mil.
4. Reach Dentotape	7.1 mil.	2.0 mil.
5. Reach Gentle Gum Care	5.9 mil.	2.1 mil.
6. J&J Reach Whitening	5.5 mil.	1.5 mil.
7. Oral-B Satinfloss	5.4 mil.	1.8 mil.
8. Oral-B	4.3 mil.	3.0 mil.
9. Oral B Ultra Floss	3.8 mil.	1.4 mil.
10. Oral-B Satintape	3.3 mil.	1.1 mil.

\*\* All private label brands combined total \$23.8 mil.

\*\*\*\* All private label brands combined total 13.4 mil.

Source: Information Resources Inc.

ORIGINATING ARTICLE:  
Dental floss.

JOURNAL: Chain Drug Review, v 25, n 10, p 224  
PUB. DATE: June 09, 2003  
PUBLISHER: Racher Press Inc.

TEXT:  
DENTAL FLOSS  
MASS MARKET SALES BY TRADE CLASS  
Percent Change vs. Prior 12 Months

	Total	Supermarkets	Drug Stores
DOLLAR SALES FOR 52 WEEKS ENDING	-1.6%	-1.6%	+0.8%
1/26/03 \$126.6 mil. *			
UNIT VOLUME FOR 52 WEEKS ENDING	-3.2%	-4.8%	-1.1%
1/26/03 53.2 mil. *			

\* Total of supermarkets, drug stores excluding Wal-Mart Stores Inc.  
Note: Table made from bar graph

Mr. Robert V. Marcon,  
3471 Sinnicks Avenue,  
Niagara Falls, Ontario,  
Canada,  
L2J 2G6

May 26, 2004

**SENT VIA U.S. REGISTERED MAIL**

Colleen A. Goggins,  
Chairman, Consumer & Personal Care Group,  
Johnson & Johnson,  
One Johnson & Johnson Plaza,  
New Brunswick, New Jersey,  
U.S.A.,  
08933

Dear Ms. Goggins:

Enclosed you will find a copy of the letter which I sent to Mr. Ronald N. Stricklin, Vice President, Worldwide Business Development and of my U.S. patent, number 6,102,050. Since the mailing of that letter I have not yet received a response from Mr. Stricklin regarding my inquiry. As a result, I am now forced to write to you in order to expedite this matter.

The letter to Mr. Stricklin and accompanying material should accurately explain my position and the reasons behind it. It should also enable you to fairly determine the legitimacy of my claim.

I look forward to receiving an appropriate response from you within six weeks of the date indicated above.

Cordially,

Mr. Robert V. Marcon



OFFICE OF  
GENERAL COUNSEL

NEW BRUNSWICK  
NEW JERSEY

REPLY TO:  
INTERNATIONAL PATENT LAW DIVISION  
ATTENTION: UNDERSIGNED  
P.O. BOX 1222  
NEW BRUNSWICK, N.J. 08903, U.S.A.

TEL: 732-524-0400  
FAX: 732-524-2808

June 3, 2004

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario,  
Canada,  
L2J 2G6

Dear Mr. Marcon,

Your letters of March 29 and May 26, 2004 to Mr. Stricklin and Ms. Goggins, respectively, have been forwarded to me for handling.

I have carefully reviewed the claims in your patent (U.S. patent 6,102,050) together with file history of your patent where you explained to the patent office how your invention differed from what was known in the prior art. In addition, I have interviewed the research individuals who were involved with the development of the REACH ® whitening floss to determine whether they had access to the information that you provided to Mr. Stricklin.

Upon careful consideration of the foregoing, we have concluded that our Reach ® Whitening Floss products were independently developed by Research and Development personnel prior to the submission of your idea for a remedial dental floss to us and that our current product is not within the scope of the claims of your patent.

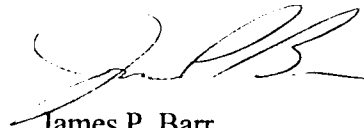
More specifically, with regard to the evaluation of our product in view of your patent claims, it should be noted that our REACH ® whitening floss is intended to offer a stain removal benefit by having a mild abrasive coated onto the floss. As you correctly noted in your letter to Mr. Stricklin, the mild abrasive is silicon dioxide which is commonly used in dental hygiene products. In contrast, your patent claims are directed to a remedial dental floss comprising a dental floss and titanium dioxide particles wherein the titanium dioxide particles have a size that permits their absorption into the enamel of the teeth. Our REACH ® whitening floss products do not utilize titanium dioxide particles that can be absorbed by the enamel layer of teeth.

With regard to your allegation that silicon dioxide particles act as a whitening agent in the same manner as your claimed titanium dioxide particles, this position is without merit and such is specifically stated in your patent. Referring to column 8, lines

38 to 55, your patent describes the use of polishing or abrading agents that may be used in your remedial floss. Among those agents listed are oxides and dioxides of silicon.

In view of the foregoing, it is clear that we did not develop our REACH® whitening floss on the basis of your disclosure to us and it is not within the scope of your patent claims.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'JPB', with a long horizontal flourish extending to the right.

James P. Barr  
Assistant Patent Counsel  
Johnson & Johnson



**Saturday July 16, 2005**

This correspondence includes four new and innovative dental flosses that address two of the largest growth areas in the oral care market namely, dental whitening and dentinal hypersensitivity.

The first two flosses, in particular, are directed to the whitening of the interproximal surfaces of teeth with the first one (Patent: US 6,619,299 B2) being an enhanced flavor floss and the second (U.S. Patent: 6,102,050) being the basic version.

Both of these flosses achieve interproximal dental whitening by depositing brilliantly white particles in the spaces between the hydroxyapatite crystals or prisms that make up the enamel layer of the teeth. Once deposited, these particles compete with the substances that tend to attack, stain or discolor teeth and so thereby help maintain surface whiteness. In essence, the interproximal dental surfaces are pigmented, dyed or otherwise stained brilliantly white as the customer flosses.

These flosses, therefore, not only offer all of the benefits currently provided by contemporary flosses but also offer improved interproximal whiteness, smoother dental surfaces, and an enhanced flavor experience.

The third and fourth flosses are directed to the problems associated with dentinal hypersensitivity. As with the previous two, one floss is a flavor enhanced formulation (Patent: U.S. 6,619,300 B2) while the other (U.S. Patent: 5,967,155) is the generic version.

In both cases, the basic operational premise of these flosses is to clean the interproximal and subgingival dental surfaces and to administer therein a highly effective dental desensitizing agent in order to reduce hypersensitivity. This process is uncomplicated and requires nothing more than the customer to floss as he would normally. Over time, dentinal hypersensitivity is reduced as long as the customer continues to use the product.

Consequently, the customer is now able to enjoy all of the benefits currently provided by contemporary flosses as well as realize an enhanced flavor experience and significantly reduced levels of pain.



# Hagelin & Company, Inc.

Home Page  
Flavors  
Fragrances  
FlavorWizard™  
Contact Us  
E-mail

## Flavors



Through extensive market research we make it our goal to be aware of flavor trends worldwide. We pride ourselves on being a "custom flavor house" and sometimes the unusual and unconventional ideas are the tradition. Turning dinners into desserts, drinks into sorbets and exotic fruits into frozen novelties, keeps us ahead of the competition.

With customers in the U.S., Far East, Europe and South America, we accept the challenge of supplying flavors that are appropriate and unique to each part of the world. Our commitment to our customers does not end with just supplying the flavor. We are committed to customer service as well as customer satisfaction. In addition, we have the capabilities, experience and talent that enables us to offer our customers a "complete package" from ideation to development, from applications to finished product, from technical support to marketing information.

Our staff of highly trained, experienced and talented people welcome the opportunity to provide you with the top level of service you deserve.

200 Meister Avenue, Branchburg, New Jersey, U.S.A. 08876-6033

HAGELIN & CO. INC.

EAST COAST OFFICE

JOSEPH S. MADURI, DIRECTOR-MINT FLAVORED PRODUCTS GROUP  
21 SILVERWHITE ROAD  
LITTLE SILVER, NEW JERSEY 07739  
TELE: 732 450 - 8191  
FAX: 732 450 - 8190

May 14, 2001

Dr. Lawrence Nash  
8 Ottawa Street  
St. Catharines Ontario  
CANADA L2R 1Z1

Dear Dr. Nash:

Enclosed are samples of dental floss flavored and coated according to your instructions.  
There are two sets of samples described as follows:

WHITENING FLOSS-JSM 090  
Hagelin Flavor 640047 @ 3.0% w/w in Floss Base

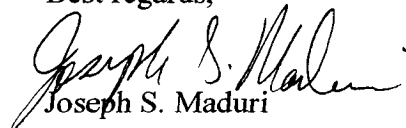
DESENSITIZING FLOSS-JSM 010  
Hagelin Flavor 640057 @ 3.0% w/w in Floss Base

In addition there are 30-gram samples of each flavor for your use in further experiments.

We are very impressed with the flavor release and the efficacy of both products. From our years of experience in this area you certainly seem to have some new technology worth pursuing.

We look forward to working with you on future projects.

Best regards,

  
Joseph S. Maduri

February 8, 2005

Mr. Robert Marcon  
3471 Sinnicks Ave  
Niagara Falls, ON L2J 2G6

Dear Mr. Marcon:


Thank you for contacting our company with your suggestion. As a consumer products company, we continually look for new product opportunities and ways to improve our business.

Before we can share your thoughts with others in the company, we ask that you read the enclosed form, "Conditions for Idea Submission and Review." If you are in agreement, please sign and return one copy to us using the enclosed postage-paid envelope. The second copy is for your records.

As soon as we receive the signed form, we will begin our consideration and review of your suggestion. Your idea will not be shared with other employees until we receive the signed release form.

We hope that this information is helpful and we thank you again for taking the time to contact us.

Yours truly,

  
Lucienne Beaumont  
Bilingual Consumer Consultant  
Consumer Relations Department  
  
LB/JK0249044A  
Enclosures:



**COLGATE-PALMOLIVE COMPANY**

909 River Road  
P.O. Box 1343  
Piscataway, NJ 08855-1343

May 1, 2006

Mr. Robert V. Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6

Dear Mr. Marcon:

I am writing to you on behalf of Michael Sload of Colgate-Palmolive Company. Thank you very much for your recent inquiry regarding our interest in the materials in your letter of March 29, 2006. After thorough review, we have concluded that we will not have an opportunity to further pursue your invention at this time.

We very much appreciate your thinking of Colgate and wish you success in your endeavors.

Very truly yours,

Ellen K. Park  
Vice President  
Chief Patent Counsel

cc: Michael Sload

# SUNSTAR BUTLER

Sunstar Americas, Inc.  
4635 W. Foster Ave.  
Chicago, IL 60630

773-777-4000 telephone  
773-777-5101 fax

August 5, 2005

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada  
L2J 2G6

Re: Flavored Enhanced Whitening Dental Floss

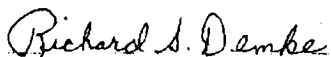
Dear Robert:

Sunstar Butler is in constant search for ideas new to the oral care field. We were, therefore, pleased to have an opportunity to receive your new product concept for review.

We have a process for reviewing the ideas submitted to us. As part of that process we gave serious consideration to your product at a recent review meeting. Your suggestion was evaluated as best we could against criteria such as market volume, manufacturability, potential dollar return, resources required for development, and appropriateness for our business.

Unfortunately, we respectfully decline your submission as not meeting the needs of our strategic plan at this time. You were kind to give us the opportunity to review your idea and we wish you luck in any development you take with it. Thank you for thinking of Sunstar Butler as a potential business partner.

Sincerely,  
SUNSTAR BUTLER



Richard Demke, DDS  
Director  
New Product and Business Development



Submitted Ideas Section  
PO Box 720  
Watertown, MA 02472-0720

August 22, 2005

Mr. Robert V. Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario L2J 2G6  
Canada

Dear Mr. Marcon:

We have now had an opportunity to review U.S. Patents 6,619,299 entitled "FLAVOR ENHANCED WHITENING DENTAL FLOSS", 6,102,050 entitled "REMEDIAL DENTAL FLOSS", 6,619,300 entitled "FLAVOR ENHANCED PROTECTIVE DENTAL FLOSS", and 5,967,155 entitled "MEDICATED DENTAL FLOSS". Gillette regrets to inform you that it has no interest in obtaining a license under these patents.

Thank you again for thinking of The Gillette Company.

Sincerely,

Director, Submitted Ideas Section

Sign Out

Go



Reply | Reply All | Forward | Delete | Junk | Put in Folder ▼ | Print View | Save Address

From : <Administrator@pg.com>

| | | Inbox

Sent : September 6, 2005 10:11:54 AM

To : misterRVM@hotmail.com

Subject : Idea Closed

Dear Robert Marcon,

Ref: IDEA TITLE - 1. Whitening Dental Floss; 2. Dental Desensitizing Floss  
IDEA NUMBER - 11974

This message refers to the patented idea you submitted to The Procter & Gamble Company. Your unsolicited offer was made under the terms of a nonconfidential agreement which you agreed to prior to submitting your patented idea.

The appropriate personnel on our technical staff have now had an opportunity to consider your idea and have concluded that The Procter & Gamble Company is not interested in acquiring any rights you may have to that idea.

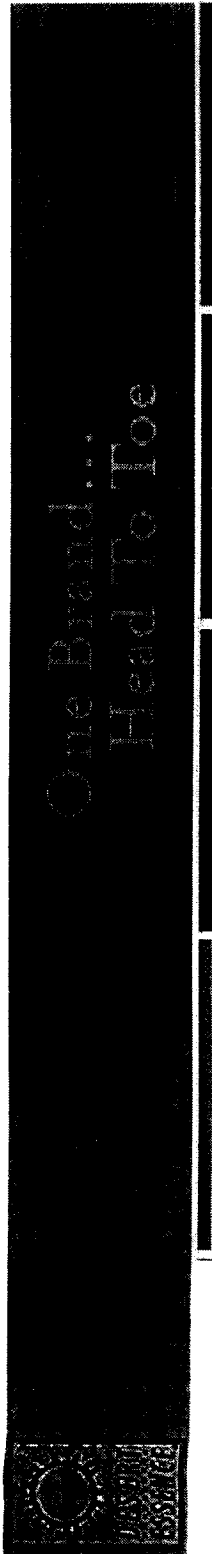
We wish to thank you, nevertheless, for submitting your idea to The Procter & Gamble Company.

Sincerely,  
The Procter & Gamble Company  
Intellectual Property Division



| | | Inbox





- [About us](#)
- [Natural Personal Care](#)
- [Age Reversal](#)
- [Spa Series](#)
- [Organics](#)
- [Contact us](#)

[Buy Online](#)

Store Locator:

State:  Zip:

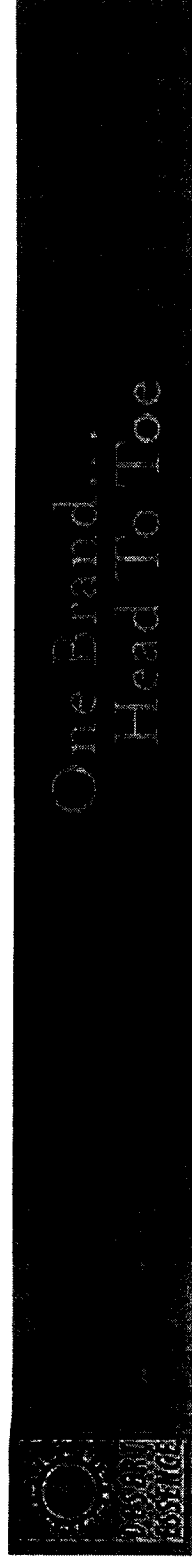
Product Locator:

## ABOUT US

Desert Essence, the first brand to introduce Tea Tree Oil to the United States, continues to be a leader in the health and beauty industry. Its' clinically proven Age Reversal™ skin care products are the first natural alternative to cosmetic injection treatments for visibly reducing wrinkles. Today, Desert Essence has expanded to include a complete line of innovative personal care, spa and active sport products which are sold in health food stores, specialty retailers, drug chains and groceries throughout the United States, Canada and parts of Europe

The Desert Essence mission is to deliver quality, natural based products that improve the lifestyles of today's most health conscious consumer. Desert Essence is part of the Country Life family of brands, a leader in the nutritional supplement industry for over 35 years.





[About us](#)

[Natural Personal Care](#)

[Age Reversal](#)

[Spa Series](#)

[Active Sport](#)

[Contact us](#)

Store Locator:

State:

Zip:

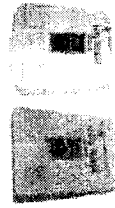
Product Locator:

## Oral Care

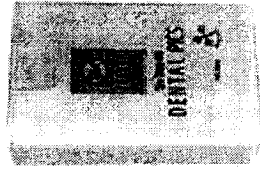
Scroll Down to see more Oral Care products.



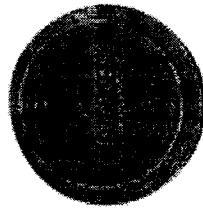
Tea Tree Oil Toothpastes



Denatl Floss and Dental Tape



Dental Pics



Tea Tree Oil Lozenges

## Tea Tree Oil Toothpastes

Tea Tree Oil Toothpastes Fluoride Free, contain no artificial preservatives, sweeteners, coloring or harsh abrasives. Fresh from New South Wales, Australia, the inherently antiseptic properties of the tea tree oil work on your mouth to provide a clean, refreshing, all-natural feeling. The baking soda helps fight plaque – so you can feel fresh-breath confident all day. Available in four refreshing flavors:



Cooling Mint (#3405 - 3 oz./50 mL, #3406 - 7 oz./130 mL)

Ginger (#3408 - 3 oz./50 mL, #3409 - 7 oz. /130 mL)

Fennel (#3411 - 3 oz./50 mL, #3412 - 7 oz./130 mL)

Wintergreen with Neem (#3402 - 3 oz./50 mL, #3403 - 7 oz./130 mL)

[BACK TO TOP](#)

**Dental Floss**

(#3416 - 50 yds. (45.7 m), 6/Display)



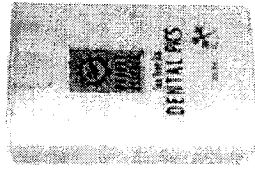
Quality non-shredding Dental Floss with 100% pure Australian Tea Tree Oil for traditional dental cleaning with floss. The Dental Tape is thicker than floss for wider spaces between teeth. Both Dental Floss and Dental Tape includes inherently antiseptic Tea Tree Oil for added protection and an excellent aid preventive dental care regimen.

**Dental Tape**

(#3421 - 30 yds. (27.4 m), 6/Display)

[BACK TO TOP](#)**Dental Pics**

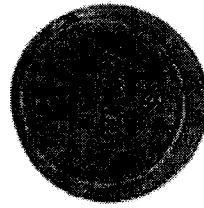
(#3428 - 100 pics, 6/Display)



Dental Pics are flavored with 100% Tea Tree Oil, a pure organic essential oil from Australia, Menthol, Cassia (cinnamon) Oil, Peppermint Oil, Spearmint Oil, Sweet Oil of Fennel. It is ideal to use after meals to remove food particles from teeth and gums, for all day fresh breath.

[BACK TO TOP](#)**Tea Tree Oil Lozenges**

(#3446 - 35 Lozenges with 3.5 mg Tea Tree Oil, 6/Display)



Are made with tea tree oil and natural honey to soothe a sore throat.

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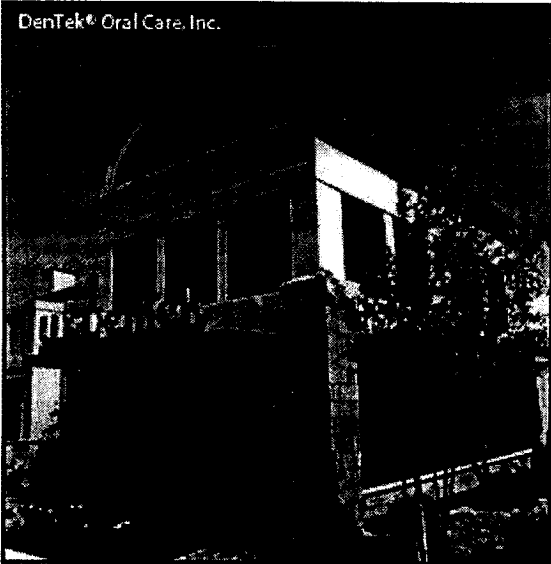
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Dental Professionals

DenTek® Oral Care, Inc.



Address  
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Maryville, TN 37801 U.S.A.

Phone  
USA: 1-800-433-6835  
UK: 07000-986-986  
EU: +49-06131-2019134

E-Mail  
Info@usdentek.com

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## Company Profile

### OraLine, Inc.

P.O. Box 898  
Somers, CT 06071  
**Phone:** 860-749-2314  
**Fax:** 860-749-4868

### Floss: Dental Information

Manufacturers Of Toothbrushes, Toothpaste, **Dental Floss**,  
Interdental Brushes

### Company Information

**Employees:** 500-999  
**Activities:** Manufacturer, Service Company  
**Year Company Founded:** 1997  
**Import Markets:** Middle East, Europe

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
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6847-T E. 40th St.

Tulsa, OK 74145

**Phone:** 918-622-9412, 800-331-4645 (toll free)**Fax:** 918-622-9005**Company Information**Personal Hygiene Supplies; Toothbrushes & **Dental Floss****Employees:** 10-49**Activity:** Manufacturer**Join MyThomas to take full advantage of ThomasNet.**

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P.O. Box 754  
Costa Mesa, CA 92625  
**Phone:** 714-979-4191  
**Fax:** 714-557-1505

**Floss: Dental Information**

Unwaxed

**Company Information****Dental Products**

**Employees:** 10-49  
**Activity:** Manufacturer  
**Ownership:** Woman-Owned  
**Export Markets:** Middle East, Asia, Australia

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1-T Palmer Ter.  
Carlstadt, NJ 07072  
**Phone:** 201-935-6220

NO FLOSS.

**Company Information**

Threads, Home Furnishings, Buttons

**Employees:** 1000+  
**Activity:** Manufacturer  
**Year Company Founded:** 1832

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1226 International Dr.  
Eau Claire, WI 54701  
**Phone:** 800-762-1765  
**Fax:** 715-832-0093  
<http://www.tesscorp.com>

**Company Information**

Toothbrushes

**Employees:** 10-49  
**Activities:** Distributor, Manufacturer  
**Year Company Founded:** 1990

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## Company Profile

### SmartBrush

504 Indian Trail Rd., Suite 200A  
Lilburn, GA 30047

**Phone:** 877-822-8411, 877-4SMARTB (toll free)

**Fax:** 678-380-3833

<http://www.smartbrush.com/>

### Floss: Dental Information

Patented SmartFloss™ Ribbon-Type **Dental Floss**. ADA, AAP & ADHA Accepted

### Company Information

Manufacturer of engineered toothbrushes & holders.

<b>Sales:</b>	\$10 - 24.9 Mil
<b>Employees:</b>	1-9
<b>Activity:</b>	Manufacturer
<b>Year Company Founded:</b>	1998
<b>Certification:</b>	ISO 9000
<b>Export Markets:</b>	Asia, Pacific Rim

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#### Company Profile

### Synthetic Thread Co.

825 12th Ave., P.O. Box 1277

Bethlehem, PA 18016-1277

**Phone:** 610-868-8575, 800-836-0525 (toll free)

**Fax:** 610-868-0402

<http://www.syntheticthread.com>

*American Efird Inc.*

#### Floss: Dental Information

Manufacturers Of **Dental Floss** Made Of Nylon, Teflon® & Other Fibers. Custom Designed Coated Or Uncoated **Floss** In A Package & Flavor To Fit Requirements. System Is Registered To ISO-9001

- <http://www.syntheticthread.com/products.htm>

#### Company Information

Manufacturer Of Thread

<b>Sales:</b>	\$10 - 24.9 Mil
<b>Employees:</b>	200-499
<b>Activity:</b>	Manufacturer
<b>Year Company Founded:</b>	1952
<b>Certification:</b>	ISO 9001, ISO 9000
<b>Export Markets:</b>	Latin America/Caribbean, South America, Western Europe, Africa, Middle East, Asia, Pacific Rim, Australia, China, Europe, Canada, Mexico
<b>Services Offered:</b>	Military Specs

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## Company Profile

### Fil-Tec, Inc.

P.O. Box B

Hagerstown, MD 21741

**Phone:** 301-824-6166, 888-281-8015 (toll free)

**Fax:** 301-824-6938

<http://www.fil-tec.com>

### Floss: Dental Information

- <http://www.fil-tec.com/yarns/index.html>

### Company Information

Fiberglass Products, Thread

**Sales:** \$10 - 24.9 Mil

**Employees:** 50-99

**Activity:** Manufacturer

**Ownership:** Woman-Owned

**Export Markets:** Western Europe, Middle East, Asia, Australia, Europe, Canada, Mexico

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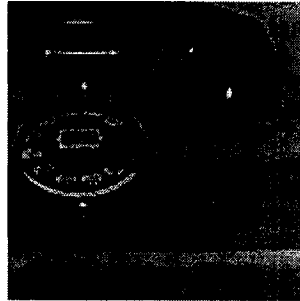
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## Contact



### Radius

207 Railroad Street  
Kutztown, PA 19530

[contact@radiustoothbrush.com](mailto:contact@radiustoothbrush.com)

toll.free - 800 626-6223  
business - 610 683-9400  
fax - 610 683-9433



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## Natural Flosses >



**cranberry floss** 6 pack

**Cranberry Coated Floss - 6 Pack**

Regular Price ~~\$17.95~~

**Spring Sale Price \$13.46**

**natural silk floss** 6 pack

**Natural Silk Floss - 6 Pack**

Regular Price ~~\$17.95~~

**Spring Sale Price \$13.46**



Your Cart



**cranberry floss** 3 pack

**Cranberry Coated Floss - 3 Pack**

Regular Price ~~\$10.95~~

**Spring Sale Price \$8.21**

**natural silk floss** 3 pack

**Natural Silk Floss - 3 Pack**

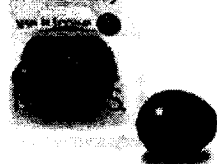
Regular Price ~~\$10.95~~

**Spring Sale Price \$8.21**



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**cranberry**



**cranberry floss**

**Cranberry Coated Floss**

Regular Price ~~\$3.95~~

**Spring Sale Price \$2.96**

**silk floss**



**natural silk floss**

**Natural Silk Floss**

Regular Price ~~\$3.95~~

**Spring Sale Price \$2.96**



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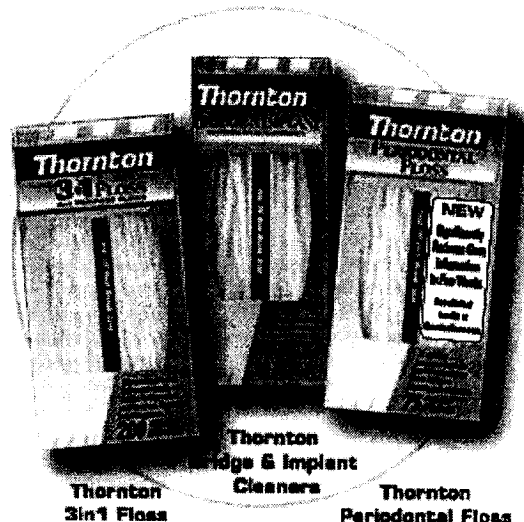
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In Five Weeks!**

**The Dental Floss Revolution is Here!**  
New from the inventor of Superfloss, Thornton products have ultra-stiff floss threaders, an interproximal brush and floss, all on a single strand...



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### Contact Us

1-800-445-3567

Please contact us at [info@thorntonfloss.com](mailto:info@thorntonfloss.com).

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Please call: 1-800-445-3567

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### Dealer Quick Reference Sheet

In an effort to make it as easy as possible for our valued clients to order from our dealers, we have created this quick reference sheet. It contains the dealer-specific product numbers which correspond to the various Thornton products. Thank you.

Dealer	3in1 Floss Trial Pack	3in1 Floss Dispenser Pack	Periodontal Floss Trial Pack	Periodontal Floss Dispenser Pack	Bridge & Implant Cleaner Trial Pack	Bridge & Implant Cleaner Dispenser Pack
Accubite Dental Supply	40501	40500	40504	40503	40507	40508
Becker Parkin Dental Supply	669-3IN1T	669-3IN1D	669-PFT	669-PFD	669-BICT	669-BICD
Patterson Dental	673-0576	673-0550	673-0634	673-0618	673-0519	673-0501
Pearson Dental Supply	P230258	P230270	P230260	P230275	P230280	P230262
Atlanta Dental Supply	00100TP	00100DP	00200TP	00200DP	00030TP	N/A



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Regular Mail: Flossaid Corporation  
3045 Copper  
Santa Clara, CA 95051-0701

Telephone: 800-528-3384  
408-730-0500 (Outside the U.S.)

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3045 Copper Rd., P.O. Box 624  
Santa Clara, CA 95050

**Phone:** 408-730-0500, 800-528-3384 (toll free)

**Fax:** 408-730-3350

<http://www.flossaid.com>

**Company Information****Dental Floss** Holders, Threaders

**Employees:** N/A

**Activities:** Distributor, Manufacturer, Service Company

**Year Company Founded:** 1964

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What is Natural Care? • Factory Tours • Outlet Store • Employment • Press Room • FAQ

**About Our Products****Store Locator****Community Involvement****Dental Professionals**

## Who Should I Contact With Questions?

If you'd like to ask a product ingredient question or just tell us how we're doing, you can contact us in several ways.

### Frequently Asked Questions

Lots of people have asked us questions over the years, and we've published the most popular questions and answers in our [FAQ](#) section. We invite you to take a look and see if you can find the information you need!

### Media

If you are a member of the media, please visit our [Press Room](#).

---

### By Mail:

Tom's of Maine  
Consumer Dialogue Department  
302 Lafayette Center  
Kennebunk, ME 04043

### By Telephone:

800-FOR-TOMS (800-367-8667) toll-free in the United States and Canada, or 207-985-2944.

### By Fax

207-985-2196

### By Email:

Please email us at [info@tomsofmaine.com](mailto:info@tomsofmaine.com)

### Employment:

If you are interested in working for Tom's of Maine, please visit our [Employment](#) section.

### Product ideas:

If you would like to share a product idea, please visit our [Idea Suggestion](#) page.

### UK customers:

Please write to us at the following address:



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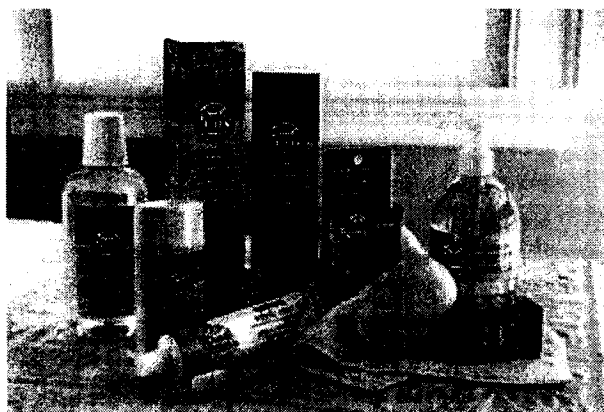


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- **Curious about natural ingredients?**  
Read our [FAQs](#) and [Ingredient Fact Sheets](#). Or visit our partner the [American Botanical Council](#) and search their extensive databases for the latest peer-reviewed research on herbal ingredients.
- **Want to know which toothpaste flavors come with which benefits?**  
Use our [Toothpaste Flavor Guide](#)!
- **Can't find what you're looking for?**  
[Click here](#) for a list of discontinued Tom's items.

## **Deodorant**

[Natural Deodorant](#)  
[Natural Deodorizing Body Spray](#)  
[Natural Long-Lasting Deodorant Roll-On](#)  
[Natural Long-Lasting Deodorant Stick](#)

## **Floss**

[Antiplaque Flat Floss](#)  
[Antiplaque Round Floss](#)

## **Fluoride Toothpaste**

[Natural Anticavity Fluoride Toothpaste](#)  
[Natural Anticavity Fluoride Toothpaste for a Dry Mouth](#)  
[Natural Anticavity Fluoride Toothpaste for Children](#)  
[Natural Anticavity Fluoride Toothpaste Liquid Gel for Children](#)  
[Natural Anticavity plus Whitening Fluoride Toothpaste Liquid Gel](#)  
[Natural Whole Care Toothpaste](#)  
[Natural Whole Care Toothpaste Gel](#)

## **Fluoride-Free Toothpaste**

[Natural Antigingivitis Toothpaste](#)  
[Natural Antiplaque plus Whitening Gel Toothpaste](#)  
[Natural Antiplaque Tartar Control & Whitening Toothpaste](#)  
[Natural Antiplaque Toothpaste with Propolis & Myrrh](#)

## **Mouthwash**

[Natural Anticavity Fluoride Mouthwash](#)  
[Natural Anticavity Fluoride Mouthwash for a Dry Mouth](#)  
[Natural Cleansing Mouthwash](#)  
[Natural Tartar Control Mouthwash](#)

## **Natural Care for Children**

[Natural Anticavity Fluoride Toothpaste for Children](#)  
[Natural Anticavity Fluoride Toothpaste Liquid Gel for Children](#)  
[Natural Fluoride-Free Toothpaste for Children](#)  
[Natural Liquid Fluoride-Free Toothpaste for Children](#)

## **Shave Cream**

[Natural Conditioning Shave Cream](#)

## **Soap**

[Natural Clear Body Bar](#)  
[Natural Deodorant Body Bar](#)  
[Natural Moisturizing Body Bar](#)  
[Natural Moisturizing Body Wash](#)  
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[Natural Fluoride-Free Toothpaste for Children](#)

[Natural Homeopathic-Style Whitening Toothpaste](#)

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**Peri-dent\*****Company**Floss Home PageCompanyTech DevelopmentContactsConsumer InfoPeri-dent ProductsFeedback

## Company Overview

*The company is customer driven and has a unique marketing approach which i through our flexibility in the development of products.*

*"Demand today is for a full range of preventative oral care products to be an i part of an oral care regime. Peri-dent manufactures floss, interdental brushes, breathfresh spray, dental sticks and is committed to the development of new p through a dynamic new product development program"*

**We're listed on  
dental guide**

*We have a modern manufacturing facility geared towards the production and distribution of high quality dental products with a motivated and committed wo trained and educated in the production of a high quality product and service to customer*

|| **Home**  
Just a little  
introduction

*Peri-dent manufactures not only Jordan but most private label products includi brands, providing the full oral care group*

|| **Location**  
Find out more about  
what Peri-dent does

## Location ?

|| **Consumer Info**  
How to floss, about  
dental flosses

*Find out how to locate Peri-dent, maps of the region nearest Roads and Cities.*

|| **Products**  
Our product ranges,  
types of floss and  
what they do

## Mission Statement

### Oral Care is Our Business

|| **Technical Services**  
Contact our technical  
services department

*It is Peri-dent's mission to build upon and maintain strong relationships with a existing and new partners*

### This will be achieved by

- \* R & D / Product innovation
- \* Quality and consistent communication throughout
- \* Maintaining flexibility
- \* Training and Motivating our Workforce

**Ensuring a competitive edge in global markets**

### Company Background

**Welcome**

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www.dentalguide.co.uk



INVESTOR IN PEOPLE



**Locate Us !**



---

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**Peri-dent\*****Tech Development****Floss Home Page****Company****Tech Development****Contacts****Consumer Info****Peri-dent Products****Feedback****Contact us...**

*Peri-dent's Technical Services and Development Department is dedicated to providing the customer with Sales enquiries, technical information and product support.*

email : [info@perident.co.uk](mailto:info@perident.co.uk)

Tel : +441896 661911

Fax : +441896 754402

We're listed on  
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introduction



*Peri-dent Ltd  
Tweedbank Industrial Estate  
Tweedbank, Galashiels TD1  
3RS*

|| **Products**  
Find out more about  
what Peri-dent does

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dental flosses

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what they do

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services department

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[www.dentalguide.co.uk](http://www.dentalguide.co.uk)



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**Locate Us !**

*Based in the Scottish Borders, Peri-dent has been established since 1986 and produces oral care products for customers in over 30 different countries.*

*Peri-dent began its relationship with the Jordan group of companies in 1988 a 1991 became a wholly owned subsidiary of Jordan.*



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Peri-dent Ltd,  
Tweedbank Industrial Estate,  
Galashiels, Selkirkshire,  
TD1 3RS,  
UK

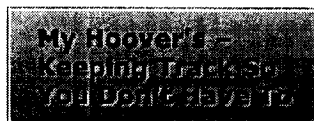
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## Professional Dental Technologies, Inc.

267 E. Main St.  
Batesville, AR 72501 (Map)

Phone: 870-698-2300  
Fax: 870-793-5554

<http://www.prodentec.com>

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*Covered by Sally Alt*

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Got plaque buildup? Call Roto-Rooter's cousin, Rota-dent. Professional Dental Technologies (Pro-Dentec) makes instruments and products that prevent and treat dental diseases. Rota-dent is an electric plaque-removal and teeth-cleaning device used by professionals and patients between checkups. The firm's Pro-Select-3 scaler cleans teeth and gums using ultrasonics, medication, and heated water. Pro-Dentec also manufactures fluoride rinses and gels, periodontal probes, toothbrushes, and dental floss. It markets its products to dentists and periodontists through a nationwide sales team. The company became private when it bought all outstanding shares after a reverse stock split.

### Key Numbers

<b>Company Type</b>	Private
<b>D&amp;B D-U-N-S Number</b>	<a href="#">Subscribers Only</a>
<b>Fiscal Year-End</b>	October
<b>Sales (mil.)</b>	\$28.3 (est.)
<b>Employees</b>	400

Scottrade: Low  
Online Trading!

### Key People

<b>President and CEO</b>	William T. Evans
<b>COO and CFO</b>	Frank H. Newton III
<b>Manager, Personnel</b>	Ernestine Doucet

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**Job Op**

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Family Tree Viewer

Build Company List  
(D&B In-Depth)

### Pro Plus Tools

Build Company List  
(D&B Basic)

Build Company List  
(D&B International)

### Pro Tools

Find Similar Companies

Build Company List  
(Hoover's In-Depth)

Build Executive List

Custom News Search

Target IPO Companies

Stock Screener

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## International

### Sunstar Butler

Email relating to product information, company information, and catalog requests.

### Sunstar Butler Webmaster

Email relating to web site questions and problems. Please include the type of browser and operating system you are using, as well as a brief description of the problem.

### Consumer Inquiries

Phone(within the USA):  
1-888-777-3101

### Professional Inquiries

Phone(within the USA):  
1-800-528-8537

### Fax:

1-800-553-2014

### Mail:

Sunstar Butler  
4635 W. Foster Ave.  
Chicago, IL 60630  
Attn: Customer Service

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## FUSHIMA

### About Us

Fushima is one of the leaders Oral Care manufacturer company in Europe. This company was established by Mr Laureano Salcines Gómez in 1942. Fushima manufactures toothbrushes, toothpaste, mouthwash, dental floss and tape under the Pierrot brand name.

Main values at Fushima are flexibility, quality and service to clients. These values have been reinforced by incorporating in-house mould maker, laboratory, printing and computer service.

A top quality team guarantees product development. Work based on creativity and design in high technology applications and strict quality control, make it possible to supply products with satisfaction guaranteed. AENOR, a member of the IQNet Network, certifies that quality assurance system adopted by Fushima for the design, production and commercialization of products for Oral Care complies with the requirements of the Standard "UNE-EN ISO 9001:2000 Quality Management Systems. Requirements".

The international projection of Fushima has opened up a broad, stable market, with a presence in more than 40 countries world-wide.

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### Contact Information

#### **Fushima**

62 Campogiro  
Santander, 39011  
Spain

**Phone:** +34 942 32-12-66

**Fax:** +34 942-33-63-88

**Contact:** Pedro Imbert

### Hot Products

- Pierrot Energy
- Pierrot Gusy
- Pierrot Baby
- Pierrot Orthodontic Toothbrush
- Pierrot 2 in 1

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Sunday, 30 Apr 2006



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## Contact Us

Rite Aid is a place where customers are treated with respect and they feel appreciated and welcome.

Rite Aid is committed to providing our customers with superior service and complete satisfaction. Our associates are trained to offer our customers friendly, helpful service in every area of the store.



Have a question about our company? Check out our list of [frequently asked questions](#).

Have an investor relations question? Check out our list of [investor frequently asked questions](#).

### Find A Store

Need to find a store nearest you? Our easy to use [store locator](#) system will provide you with all the information you need. Additionally, a toll free 800 number **1-800-RITE-AID (1-800-748-3243)** provides:

- **Store Locations**

- Find a Rite Aid store nearest you
- Find a 24 hour Rite Aid store within a 50 mile radius of your home

- **Customer Support Representative**

- Talk directly to a Rite Aid customer support representative

If you need additional help, please contact us directly using the information below.

### Contact Customer Service

We are always interested in how we can serve you better. For questions or comments regarding your experience at one of our stores or pharmacies, please contact us anytime by phone, e-mail or U.S. mail at the following

#### By Phone

1-800-RITEAID (1-800-748-3243)

#### Single Check Rebate Phone Number

1-888-213-9920

#### By E-Mail

Send us an [inquiry](#).



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for senior  
pharmacy  
patients.



**Single Check Rebate E-Mail**

Send Single Check Rebate an [inquiry](#)

**By U.S. Mail**

Rite Aid Corporation  
Customer Support  
P.O. Box 3165  
Harrisburg, PA 17105

---

**Contact our Investor Relations Department**

Click [here](#) to fill out our Investor Inquiry form  
Phone: (717) 975-3710

---

**Contact our Press Office**

Press can contact a media relations representative at (717) 731-6566 or  
(717) 975-5718

---

**Contact our Board of Directors**

Click [here](#) to contact our Board of Directors

---

**Surplus Real Estate Information**

Surplus Real Estate Department  
Phone: (717) 975-3763  
Fax: (717) 972-3993  
email: [surplus@riteaid.com](mailto:surplus@riteaid.com)

---

**Contact our Home Office**

30 Hunter Lane  
Camp Hill, PA 17011  
or  
P.O. Box 3165  
Harrisburg, PA 17105

Phone: (717) 761-2633

---

**Real Estate Information**

email: [realestateoperations@riteaid.com](mailto:realestateoperations@riteaid.com)

---

**Mergers & Acquisition**

Phone: (717) 214-2590  
Fax: (717) 731-3880  
Email: [acquisitions@riteaid.com](mailto:acquisitions@riteaid.com)

---

**Employment Opportunities**

email: [recruiter@riteaid.com](mailto:recruiter@riteaid.com)

---

**EDI Information**

email: [edi@riteaid.com](mailto:edi@riteaid.com)

---

**Contact Kodak Picture Center Online**

Phone: 1-800-23-KODAK (1-800-235-6325)  
email: [kpc-Riteaid@kodak.com](mailto:kpc-Riteaid@kodak.com)

For photo processing order status, email: [Photo Processing Support](#), or  
call 1-800-588-5831

---

### **Accounting Related Concerns**

For concerns relating to Rite Aid's accounting, internal controls, or auditing,  
[click here](#).

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If you are having technical difficulties with any of Rite Aid's web pages,  
please contact us by email at [webmaster@riteaid.com](mailto:webmaster@riteaid.com) so we can correct the  
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---

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## CANADIAN TRADE-MARK DATA

\*\*\* Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2010-07-20

**APPLICATION NUMBER:**

1105962

**REGISTRATION NUMBER:**

not registered

**STATUS:**

ABANDONED - VOLUNTARY

**FILED:**

2001-06-18

**FORMALIZED:**

2001-06-18

**ADVERTISED:**

2003-04-09

**INACTIVATED:**

2004-12-23

**APPLICANT:**

ROBERT V MARCON  
3471 Sinnicks Avenue  
Niagara Falls  
L2J 2G6  
ONTARIO

**INTERESTED PARTIES:**

OPPONENT (CASE CLOSED)  
V & S Vin & Sprit Aktiebolag  
Formansvagen 19  
S-10074,  
Stockholm,  
SWEDEN

AGENT:

G. RONALD BELL & ASSOCIATES  
SUITE 1215  
99 BANK STREET  
P.O. BOX 2450, POSTAL STATION D  
OTTAWA  
ONTARIO K1P 5W6

REPRESENTATIVE FOR SERVICE:

G. RONALD BELL & ASSOCIATES  
SUITE 1215  
99 BANK STREET  
P.O. BOX 2450, POSTAL STATION D  
OTTAWA  
ONTARIO K1P 5W6

**TRADE-MARK:**

**ABSOLUTWATER**

**INDEX HEADINGS:**

ABSOLUTWATER

WATER, ABSOLUT

ABSOLUTE WATER

**WARES:**

(1) Bottled water and ice from the same source.

**SERVICES:**

(1) Distribution of water and ice.

**CLAIMS:**

Proposed Use in CANADA.

<b><u>ACTION</u></b>	<b><u>DATE</u></b>	<b><u>BF</u></b>	<b><u>COMMENTS</u></b>
Filed	18 June 2001		
Created	18 June 2001		
Formalized	18 June 2001		
Search Recorded	24 September 2002		
Examiner's First Report	25 September 2002	25 January 2003	
Approved	20 February 2003		
Translation Requested	11 March 2003	02 April 2003	20030326084633
Translation Received	26 March 2003		
Extracted for Advertisement	27 March 2003		Vol.50 Issue 2528 2003/04/09
Advertised	09 April 2003		Vol.50 Issue 2528
Opposed	09 May 2003		Opposition Filed.
Abandoned - Voluntary	23 December 2004		Abandoned during Opposition

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Record 8 out of 38

TARR Status	ASSIGN Status	TDR	TTAB Status
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## Typed Drawing

Word Mark	ABSOLUT WATER
Goods and Services	(ABANDONED) IC 032. US 045 046 048. G & S: AERATED WATER, MINERAL WATER, SPRING WATER, BOTTLED WATER; AERATED WATER, MINERAL WATER, SPRING WATER, BOTTLED WATER; AERATED WATER, MINERAL WATER, SPRING WATER, BOTTLED WATER
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78230510
Filing Date	March 26, 2003
Current Filing Basis	1B
Original Filing Basis	1B;44D;44E
Owner	(APPLICANT) MARCON ROBERT VICTOR INDIVIDUAL CANADA 3471 SINNICKS AVENUE NIAGARA FALLS ONTARIO L2J2G6
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE WATER APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Abandonment Date	December 21, 2004

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
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## CANADIAN TRADE-MARK DATA

\*\*\* Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2010-07-20

**APPLICATION NUMBER:**

1106349

**REGISTRATION NUMBER:**

not registered

**STATUS:**

ABANDONED - VOLUNTARY

**FILED:**

2001-06-21

**FORMALIZED:**

2001-06-22

**ADVERTISED:**

2003-04-30

**INACTIVATED:**

2004-12-23

**APPLICANT:**

Robert V Marcon  
3471 Sinnicks Ave  
Niagara Falls  
L2J 2G6  
ONTARIO

**INTERESTED PARTIES:****OPPONENT (CASE CLOSED)**

V & S Vin & Sprit Aktiebolag  
Formansvagen 19,  
S-10074  
Stockholm  
SWEDEN

**AGENT:**

G. RONALD BELL & ASSOCIATES  
SUITE 1215  
99 BANK STREET  
P.O. BOX 2450, POSTAL STATION D  
OTTAWA  
ONTARIO K1P 5W6

**REPRESENTATIVE FOR SERVICE:**

G. RONALD BELL & ASSOCIATES  
SUITE 1215  
99 BANK STREET  
P.O. BOX 2450, POSTAL STATION D  
OTTAWA  
ONTARIO K1P 5W6

**TRADE-MARK:****ABSOLUT WATER****DISCLAIMER TEXT:**

The right to the exclusive use of the word WATER is disclaimed apart from the trade-mark.

**INDEX HEADINGS:**

ABSOLUT WATER

ABSOLUTE WATER

**WARES:**

(1) Bottled Water, ice.

**SERVICES:**

(1) Bottling, delivery, distribution and sales of ice and water.

**CLAIMS:**

Proposed Use in CANADA.

<b><u>ACTION</u></b>	<b><u>DATE</u></b>	<b><u>BF</u></b>	<b><u>COMMENTS</u></b>
Filed	21 June 2001		
Created	22 June 2001		
Formalized	22 June 2001		
Search Recorded	25 September 2002		
Examiner's First Report	25 September 2002	25 January 2003	
Correspondence Created	13 February 2003	13 June 2003	
Approved	14 March 2003		
Translation Requested	01 April 2003	23 April 2003	20030416132922
Translation Received	16 April 2003		
Extracted for Advertisement	16 April 2003		Vol.50 Issue 2531 2003/04/30
Advertised	30 April 2003		Vol.50 Issue 2531
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**Typed Drawing****Word Mark** ABSOLUT

**Goods and Services** (ABANDONED) IC 032. US 045 046 048. G & S: BEER, WATER, STILL WATER, MINERAL WATER, SPRING WATER, AERATED WATER, CARBONATED WATER, SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS; BEER, WATER, STILL WATER, MINERAL WATER, SPRING WATER, AERATED WATER, CARBONATED WATER, SPARKLING WATER, ICE WATER, ICEBERG WATER, ICE, CRUSHED ICE, JUICES, FLAVORED DRINKS (EXCEPT BEVERAGES BASED ON COFFEE, TEA, OR COCOA AND MILK BEVERAGES), NUTRIENT DRINKS, NON-ALCOHOLIC BEVERAGES, PREPARATIONS FOR MAKING BEVERAGES, SYRUPS

**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 78288367**Filing Date** August 17, 2003**Current Filing Basis** 1B**Original Filing Basis** 1B.44D**Owner** (APPLICANT) MARCON, ROBERT, VICTOR INDIVIDUAL CANADA 3471 SINNICKS AVENUE NIAGARA FALLS CANADA L2J2G6**Attorney of Record** Mr. ROBERT V. MARCON,**Priority Date** February 18, 2003**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** DEAD**Abandonment Date** December 21, 2004

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## CANADIAN TRADE-MARK DATA

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The database was last updated on: 2010-07-20

**APPLICATION NUMBER:**

1168026

**REGISTRATION NUMBER:**

not registered

**STATUS:**

ABANDONED - VOLUNTARY

**FILED:**

2003-02-18

**FORMALIZED:**

2003-02-19

**INACTIVATED:**

2005-01-04

**APPLICANT:**

ROBERT VICTOR MARCON  
3471 SINNICKS AVENUE  
NIAGARA FALLS  
L2J 2G6  
ONTARIO

**TRADE-MARK:**

**ABSOLUT**

**INDEX HEADINGS:**

ABSOLUT

**WARES:**

(1) Packaged drinking water; fruit juices, and mixtures thereof; lemonade; non-alcoholic fruit flavoured drinks; carbonated soft drink beverages; sports drinks; herbal food beverage with nutrients; coffee based beverages, and ingredients for making the same; grain or chicory based coffee substitutes; tea, herb tea, and herbal tea; non-alcoholic malt beverages; dairy products namely milk, and cream; soy based beverage used as a milk substitute.

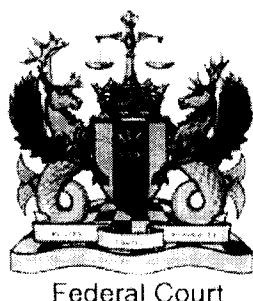
**CLAIMS:**

Proposed Use in CANADA.

<b><u>ACTION</u></b>	<b><u>DATE</u></b>	<b><u>BF</u></b>	<b><u>COMMENTS</u></b>
Filed	18 February 2003		
Created	19 February 2003		
Formalized	19 February 2003		
Search Recorded	06 November 2003		
Examiner's First Report	06 November 2003	06 March 2004	
Correspondence Created	31 May 2004	30 September 2004	
Correspondence Created	19 October 2004	19 February 2005	
Abandoned - Voluntary	04 January 2005		

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<a href="#">T-1402-04</a>	V & S VIN SPRIT AKTIEBOLAG (PUBL) v. LUXE BEVERAGES ET AL	Trade Mark Infringement	<a href="#">RE</a>

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Modified: 2006-10-30

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**Court Number :** T-1402-04**Style of Cause :** V & S VIN SPRIT AKTIEBOLAG (PUBL) v. LUXE  
BEVERAGES ET AL**Proceeding Category :** Actions **Nature :** Trade Mark Infringement**Type of Action :** Ordinary

( 3 records found )

Doc	Date Filed	Office	Recorded Entry Summary
3	2005-03-31	Ottawa	Discontinuance on behalf of Plaintiff received by fax and filed on 31-MAR-2005
2	2005-03-21	Ottawa	Notice of Status Review by Chief Justice Lutfy to the parties and their solicitors requiring the Plaintiff to show cause by written submissions to be served and filed no later than 25-APR-2005 why this action should not be dismissed for delay Filed on 21-MAR-2005 cc's sent to parties
1	2004-07-29	Ottawa	Statement of Claim filed on 29-JUL-2004 Tariff other action - \$150.00

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(Close)

Type	Nature of Proceeding	Office	Language	Type of Action	Filing date
Federal Court	Trade Mark Infringement	Ottawa	English	Ordinary	2004-07-29

**PARTY INFORMATION:**

(Close)

Party Name	Solicitor	Lawyer(s) / file no
V & S VIN & SPRIT AKTIEBOLAG (PUBL)	Nicola M Hunt	HUNT, NICOLA M
MARCON, ROBERT VICTOR	-	-
LUXE BEVERAGES	-	-

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-	1106349
-	1168026
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ABSOLUT PEPPAR COUNTRY OF SWEDEN	391534
ABSOLUT CITRON COUNTRY OF SWEDEN	392014

ABSOLUT VODKA COUNTRY OF SWEDEN	409271
ABSOLUT	420298
ABSOLUT KURANT COUNTRY OF SWEDEN	428240
ABSOLUT MANDRIN COUNTRY OF SWEDEN	583499
ABSOLUT MANDRIN COUNTRY OF SWEDEN	583579
BOTTLE DESIGN	593822
ABSOLUT VANILIA COUNTRY OF SWEDEN	615505
ABSOLUT CUT	1203290
ABSOLUT CUT	1203291
ABSOLUT VODKA COUNTRY OF SWEDEN	1204843
ABSOLUT CITRON COUNTRY OF SWEDEN	1204844
ABSOLUT PEPPAR COUNTRY OF SWEDEN	1204852
ABSOLUT VANILIA COUNTRY OF SWEDEN	1204950
ABSOLUT KURANT COUNTRY OF SWEDEN	1205243
ABSOLUT CUT	1205244
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## CANADIAN TRADE-MARK DATA

\*\*\* Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2010-07-20

**APPLICATION NUMBER:**

1113264

**REGISTRATION NUMBER:**

not registered

**STATUS:**

ABANDONED - SECTION 40(3)

**FILED:**

2001-08-24

**FORMALIZED:**

2001-08-27

**ADVERTISED:**

2003-05-14

**INACTIVATED:**

2004-09-15

**APPLICANT:**

Robert V. Marcon  
3471 Sinnicks Ave.  
Niagara Falls  
L2J 2G6  
ONTARIO

**TRADE-MARK:**

**ROCKLIN**

**INDEX HEADINGS:**

ROCKLIN

LIN, ROCK

LINE, ROCK

**WARES:**

(1) Internal combustion engines, push/self propelled /riding lawnmowers, lawn and garden tractors, internal combustion boat/ship/ marine engines, agricultural irrigation pumps, catalytic converters, gaseous and liquid fuel delivery systems and components thereof, lawn and garden string trimmers, snow throwers, walk behind rotary tillers, mulchers, chainsaws, grass and hedge trimmers, leaf blowers, liquid and hydraulic pumps, pneumatic compressors, power washers, portable welders, electrical generators, golf carts, small in plant service trucks, scooters and small motorcycles, go carts.

**SERVICES:**

(1) Service, sales, licencing, distribution, training, manufacture, assembly related to wares above.

**CLAIMS:**

Proposed Use in CANADA.

<b><u>ACTION</u></b>	<b>DATE</b>	<b>BF</b>	<b>COMMENTS</b>
Filed	24 August 2001		
Created	27 August 2001		
Formalized	27 August 2001		
Search Recorded	24 October 2002		
Examiner's First Report	24 October 2002	24 February 2003	
Correspondence Created	17 February 2003	17 June 2003	
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Allowed	01 August 2003		
Allowance Notice Sent	01 August 2003	24 August 2004	
Abandoned - Section 40(3)	15 September 2004		

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**Typed Drawing**

**Word Mark** ROCKLIN  
**Goods and Services** (ABANDONED) IC 007. US 013 019 021 023 031 034 035. G & S: Catalytic converters for motors and engines; chainsaws; electric generators; gas and liquid fuel injectors and components thereof; internal combustion engines for machine operation and replacement parts thereof; liquid and hydraulic pumps for use with machines, and agricultural irrigation; mulchers; portable electric welding machines; power operated grass/weed/hedge trimmers; power operated leaf blowers; power operated walk behind rotary tillers; power washing machines; pneumatic air compressors; push, self-propelled, and riding lawnmowers; small engines for fishing boats; snow throwers  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 76364139  
**Filing Date** January 29, 2002  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B;44D  
**Published for Opposition** April 1, 2003  
**Owner** (APPLICANT) Marcon, Robert V. INDIVIDUAL CANADA 3471 Sinnicks Avenue Niagara Falls, Ontario CANADA L2J 2G6  
**Attorney of Record** Michael F. Scalise  
**Priority Date** August 24, 2001  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** DEAD  
**Abandonment Date** December 25, 2004

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### Patent Summary

**(12) Patent:**

**(11) CA 2174975**

**(54) English Title:**

LPG FUEL TANK, AND FUEL SUPPLY SYSTEM, FOR ENGINES

**(54) French Title:**

RESERVOIR DE GPL ET SYSTEME D'ALIMENTATION POUR  
MOTEURS

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### Representative Drawing

Representative Drawing - A single figure which represents the drawing illustrating the invention.

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## English Abstract

An improved fuel supply system (20), fuel tank (22 or 50), and fuel (30), whose use in small internal combustion engines provides greatly reduced emissions, longer engine life, reduced maintenance, higher reliability, and safety. These fuel tanks (22 or 50) are partially filled with a LPG fuel (30) and are also connectable to the fuel supply system (20) by a corresponding fuelling receptor (32 or 56). The fuel system (20) is itself comprised, in combination, of a fuelling receptor (32 or 56) which is then followed in series and in fuel flow communication by a fuel conduit (36), a fuel lock valve (38), another fuel conduit (40), a primary pressure regulator (42), still another fuel conduit (44), and finally a fuel-air mixer (46). The aforementioned design is the basic operation system to which may be added a secondary pressure relief valve (60), a fuel filter (64), a manual close-off valve (66), a fuel vaporizer (96), a heat sink (98), and other components in order that the fuel system (20), and fuel tanks (22 or 50) may function under different operating standards, conditions or environments.

## French Abstract

Système amélioré d'alimentation en carburant (20) et réservoir de carburant (22 ou 50) et carburant (30) dont l'utilisation dans les petits moteurs à combustion interne permet de réduire considérablement les émissions, de prolonger la vie du moteur, de réduire l'entretien et d'améliorer la fiabilité et la sécurité. Ces réservoirs (22 ou 50) sont partiellement remplis de gaz de pétrole liquéfié (30) et peuvent être reliés au système d'alimentation en carburant (20) par une prise d'avitaillement (32 ou 56). Le système d'alimentation en carburant (20) comporte une prise d'avitaillement (32 ou 56) en relation directe avec une canalisation de carburant (36), une vanne de carburant (38), une autre canalisation de carburant (40), un régulateur primaire de pression d'alimentation (42), encore une autre canalisation de carburant (44), et un mélangeur air-carburant (46). Ce qui est décrit plus haut représente le système de base auquel peuvent s'ajouter une soupape de surpression secondaire (60), un filtre à carburant (64), une soupape de fermeture à commande manuelle (66), un vaporisateur (96), un dissipateur thermique (98) et autres composants permettant au système d'alimentation en carburant (20) et aux réservoirs de carburant (22 ou 50) de fonctionner selon des normes différentes et dans des conditions ou des environnements différents.

---



## United States Patent [19]

Marcon

[11] Patent Number: 5,542,398

[45] Date of Patent: Aug. 6, 1996

## [54] LPG FUEL TANK, AND FUEL SUPPLY SYSTEM, FOR ENGINES

[76] Inventor: Robert V. Marcon, 3471 Sinnicks Avenue, Niagara Falls, Ontario, Canada, L2J 2G6

[21] Appl. No.: 429,068

[22] Filed: Apr. 26, 1995

[51] Int. Cl.<sup>6</sup> ..... F02M 21/02

[52] U.S. Cl. .... 123/527

[58] Field of Search ..... 123/525, 527, 123/575

## [56] References Cited

## U.S. PATENT DOCUMENTS

3,018,914	1/1962	Webster	220/3
3,941,554	3/1976	Curtis	431/89
4,421,087	12/1983	Schuurman	123/525
4,528,966	7/1985	Lent et al.	123/527
4,881,520	11/1989	Hefling	126/44
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5,150,690	9/1992	Carter et al.	123/527
5,353,765	10/1994	Saikalis et al.	123/527

## FOREIGN PATENT DOCUMENTS

7-131853	8/1982	Japan	123/527
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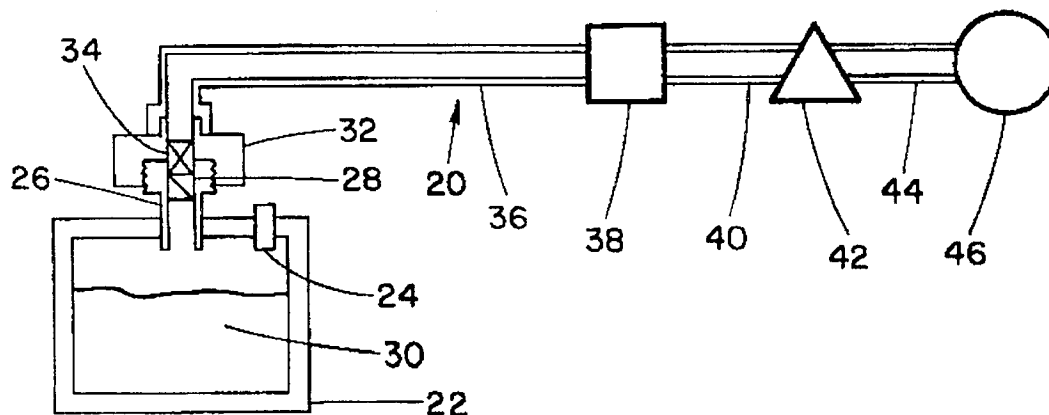
8-126456	7/1983	Japan	123/527
59-99055	6/1984	Japan	123/527
60-6058	1/1985	Japan	123/527
1-24154	1/1989	Japan	123/527
94/24433	10/1994	WIPO	123/527

Primary Examiner—David A. Okonsky

## [57] ABSTRACT

An improved fuel supply system (20), fuel tank (22 or 50), and fuel (30), whose use in small internal combustion engines provides greatly reduced emissions, longer engine life, reduced maintenance, higher reliability, and safety. These fuel tanks (22 or 50) are partially filled with a LPG fuel (30) and are also connectable to the fuel supply system (20) by a corresponding fuelling receptor (32 or 56). The fuel system (20) is itself comprised, in combination, of a fuelling receptor (32 or 56) which is then followed in series and in fuel flow communication by a fuel conduit (36), a fuel lock valve (38), another fuel conduit (40), a primary pressure regulator (42), still another fuel conduit (44), and finally a fuel-air mixer (46). The aforementioned design is the basic operation system to which may be added a secondary pressure relief valve (60), a fuel filter (64), a manual close-off valve (66), a fuel vaporizer (96), a heat sink (98), and other components in order that the fuel system (20), and fuel tanks (22 or 50) may function under different operating standards, conditions or environments.

20 Claims, 6 Drawing Sheets



October 26, 2000

Mr. Robert Marcon  
3471 Sinnicks Ave.  
Niagara Falls, Ontario  
Canada, L2J 2G6

Dear Mr. Marcon:

Mr. Minano asked me to review the business proposal you sent him on June 28, 2000. I apologize for the delay in responding.

The proposal, as I understand it, suggests that General Motors manufacture and sell propane-powered small engines and other equipment (such as lawn mowers) that currently use gasoline engines. It is assumed that the criteria pollutants from these items with propane engines would be significantly reduced from the levels of current gasoline-powered versions. It is further assumed that GM would use these reductions in places like California as emissions credits to mitigate emissions reductions GM would otherwise have achieved on vehicles sold in California.

General Motors has a long history of supporting the concept of emissions trading, especially market-based trading, as the most cost-efficient means of achieving emission reduction goals. Unfortunately, the concept has been stridently opposed by most environmental organizations and rarely accepted by regulatory agencies.

Furthermore, specific to California, the auto-industry offered to offset any emissions reductions lost as a result of elimination of the mandate to produce zero emission vehicles (ZEV). However, the California Air Resources Board (ARB) pursues two goals – emissions reductions and technology forcing. Therefore, despite the fact (agreed to by ARB staff) that for the foreseeable future the cost of achieving emissions reductions of hydrocarbons and oxides of nitrogen through the ZEV mandate exceeded \$1.8 million per ton (more than 100 times any other regulation adopted to date by ARB), the Board affirmed the ZEV mandate, effectively dismissing the industry offer to make up the emissions reductions through alternative means.

Another problem in California is that they are striving for every ton of emissions reductions they are able to achieve. To the extent that the emissions reductions could, as in your proposal, be required by California regulation, California would never consider allowing such emissions reductions to be used as credits. They would instead pass regulations requiring the small engines to achieve the reductions. The situation is similar in any state which is pushing for California-type vehicle standards.

Both California and the US EPA are currently involved in rulemaking covering small engines, such as lawn mowers, snow blowers, etc. I am sure they are considering the potential of alternative fuels such as propane for these and other applications. As you know, propane provides evaporative emissions reductions as well as the potential for exhaust emissions reductions.

In view of this overall situation, although I commend you on your vision and your grasp of the economics of emission control, General Motors must respectfully decline your business proposal. I would suggest that you contact some of the current small engine manufacturers such as Briggs & Stratton, Tecumseh, Kohler, Kubota, and/or Onan to determine if they might have an interest in the proprietary technology mentioned in your proposal.

Thank you for your proposal.

Sincerely yours,

A handwritten signature in cursive script, reading "Samuel A. Leonard".

Samuel A. Leonard, Director  
Mobile Emissions and Fuel Efficiency Team

cc: Mr. Dennis R. Minano – VP General Motors Public Policy Center  
Mr. William K. Shaw – Plant Manager, General Motors-St. Catharines

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## **INTRODUCTION AND OVERVIEW**

Currently, the California Air Resources Board (CARB) is seeking to further restrict the emissions of automobiles and trucks. Trucks in particular will be especially hard hit for they will soon have to meet similar emission standards as automobiles. Moreover, since standards set in California are also adopted by many other states a total redesign of some currently very popular automobiles and trucks will be required. The costs associated with such an endeavour will not only be expensive to any original equipment manufacturer (OEM) but the consumer will also notice significant cost increases due to the ongoing maintenance requirements of their vehicles.

There is however, one solution that may remedy this situation, and that solution is emissions trading. Thus, in this proposal, the reader is introduced to a new proprietary alternate fuel engine technology that can reduce the emissions of small engines so much that they will be able to exceed all of CARB's current as well as projected regulations. Moreover, the technology itself is simple and low cost. It is also reliable, rugged and utilizes an existing retail distribution and fuel infrastructure. As a result, by using the concept of emissions trading all excess emission reductions achieved by these new small engines can be traded to General Motors (GM) in order to offset the emissions of their own vehicle fleet.

## **THE PROPOSAL**

It is proposed, that General Motors sub-contract, joint venture or produce in house small engines and or equipment which utilize propane. With General Motors extensive knowledge of alternate fuelled engines one or more designs could easily be produced which could achieve all desired goals. General Motors could then use the significant lower emission levels of these new small engines to offset any emission penalties incurred by its U.S. automotive and truck fleets. The cost to produce these small engines is cheap when compared to the cost of upgrading current automotive and truck designs to the higher standards contemplated by various governmental agencies. Thus, even if General Motors were to only specialize in walk behind rotary mowers, the current U.S. sales of which amount to 5.4 million units per year, the emission credits would be astounding.

The marketing and sales of these walk behind rotary mowers can also be accomplished in a very simple and economical manner. For example, these units could be sold through existing GM vehicular dealerships. They could also be offered as an alternative to the satellite dishes, propane barbecues, computers or golf clubs currently used by the Dealer Marketing Association (DMA) as promotional gifts. In this way any distribution, advertising or retailing requirements could be shared or minimized. GM's existing network of automotive repair facilities could also offer consumers a low cost and convenient place for any needed repairs, tune-ups or warranty work. This would not only increase showroom traffic but also provide dealers with another source of revenue. Moreover, as regular GM and non-GM customers alike seek to purchase a well designed and environmentally friendly lawnmower showroom traffic would increase yet again allowing sales personnel the opportunity to approach these people as perspective customers of GM's other products and services. Thus, without incurring any additional costs automotive and truck sales, both new and used, could be notably increased.

General Motors could also market these new products by internet in a number of ways. For example, they could be integrated into GM's newest Web site [gmtickettoride.com](http://gmtickettoride.com), as individually saleable products or as promotional gifts. This would keep costs low and greatly accelerate market penetration. If GM were to then retain its existing dealer network as its primary means of delivery the numerous benefits listed above would also not be lost. Consequently, this business model will not only provide the customer with a level of service and satisfaction unparalleled in the industry but increases both GM's and its dealers profits as well. If profit margins are set on the low side significant market dominance would ensue.

Alternately, internet sales could also be achieved, independent of any major GM involvement, by simply selling these products on the internet and employing any recognized carrier service for delivery. Yet another model would be to sub-contract the manufacture, sales and service of these products while still retaining all rights to the emission credits themselves. Although these two latter models may offer marketing ease GM would probably lose some of the public relations and other business benefits listed above.

In conclusion, the inventor would agree to a negotiated royalty licensing agreement or the outright sale of both patents. The royalty agreement would be based on an inflation adjusted set monetary amount per horsepower produced, paid in conjunction with a minimum annual royalty. In return, the agreement would

provide GM with all necessary rights to build, distribute, promote, and sell these small propane engines in whatever form is most beneficial to GM.

### **SMALL ENGINE PROPRIETARY TECHNOLOGY**

The proprietary technology herein detailed deals with small engines which utilize a propane based fuel. Some of the particulars are listed below.

#### **(1) Equipment Classifications**

These new engines can be used in the following equipment classifications.

- a. Push and riding lawnmowers.
- b. Lawn and garden tractors.
- c. Snow throwers.
- d. Walk behind rotary tillers.
- e. Mulchers.
- f. Chainsaws.
- g. Grass and hedge trimers.
- h. Leaf blowers.
- i. Pneumatic compressors.
- j. Liquid and hydraulic pumps.
- k. Power washers.
- l. Portable welders.
- m. Electrical generators.
- n. Small fishing engines.
- o. Golf carts.
- p. Small in plant service trucks.
- q. Small motorcycles (scooters).
- r. and others.

#### **(2) U.S.A. Small Engine Inventory**

The federal Environmental Protection Agency (EPA) has estimated that there

are 89 million pieces of lawn and garden equipment in the United States with engines rated 25 horsepower or less. It has also estimated that there are 4.6 million small garden engines in California alone, half of them gas mowers.

**(3) U.S.A. Annual Equipment Sales (1996 - Gasoline Fuelled)**

Below is a sampling of the sales figures of various equipment classifications.

a.	Walk behind rotary mowers:	5.400 million units.
b.	Rear engine riding mowers:	0.130 million units.
c.	Front engine lawn tractors:	1.123 million units.
d.	Garden tractors:	0.194 million units.
e.	Snow throwers:	0.707 million units.
f.	Walk behind rotary tillers:	0.316 million units.

Total:	7.870 million units.
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[Note: World scooter sales are approximately 20 million units annually]

**(4) Approximate Equipment Life (Gasoline Fuelled)**

a.	Walk behind rotary mowers:	6.0 years.
b.	Rear engine riding mowers:	6.0 years.
c.	Front engine lawn tractors:	6.0 years.
d.	Garden tractors:	9.0 years.
e.	Snow throwers:	9.0 years.
f.	Walk behind rotary tillers:	9.0 years.

**(5) Engine Classification or Category**

The information to be detailed herein shall be considered relevant to internal combustion engines classified as small off-road spark-ignition engines rated 25 horsepower or less. Specifically, this technology is particularly applicable to engines classified under CARB's subcategories 0-65 cc. and 65-225 cc..



(6) **Mode of Operation**

This engine technology may be used on 2 cycle as well as 4 cycle engines.

(7) **Engine Fuel**

The hydrocarbon fuel used by these new engines is propane based. Although considered to be an alternative fuel by most mainstream engine manufactures it is nonetheless very safe, possessing many environmentally green characteristics along with a consumer market that is widespread, diverse and growing.

(8) **Fuel Distribution Network**

Propane fuel tanks are inexpensive, easily refillable, and very reliable. They are also available in many different sizes and most can be recharged or purchased in a variety of different department stores, hardware stores, some gasoline stations, camping grounds, and wholesale propane outlets.

**Portable Fuel Tanks (Vapour Withdrawal)**

- a. 14.1 ounces or .4 kg. (presently not being refilled).
- b. 16.4 ounces or .465 kg. (presently not being refilled).
- c. 5 lbs. or 2.27 kg. (refillable).
- d. 10 lbs. or 4.54 kg. (refillable).
- e. 20 lbs. or 9.08 kg. (refillable).
- f. 30 lbs. or 13.62 kg. (refillable).
- g. 100 lbs. or 45.4 kg. (refillable).
- h. Still larger units are available in stationary designs.

**Portable Fuel Tanks (Liquid Withdrawal)**

- a. 33 lbs or 14.98 kg. (refillable).
- b. 100 lbs or 45.4 kg. (refillable).
- c. Still larger units are available in stationary designs.

## **EMISSION CHARACTERISTICS OF THESE NEW SMALL ENGINES**

According to the Sacramento Metropolitan Air Quality Management District one small engine produces, in one hour of operation, the same pollution as a 1992 car travelling 650 miles. The Federal Highway Administration estimates that operating a gas-powered lawn mower for one hour, is the equivalent in hydrocarbon emissions as driving a 1992 model-year car from San Francisco, California to Portland, Oregon or about 611 miles and the carbon monoxide emissions from San Francisco to Reno, Nevada or about 228 miles. Although these figures many seem astounding it does not yet begin to describe the total pollutive effects caused by small gasoline engines. This is why the development of modern small propane engines would be so beneficial to overall atmospheric air quality.

Other reports have also been published by various organizations indicating that the exhaust emissions from engines utilizing propane are superior to those of gasoline in a number of ways. For example, carbon monoxide (CO) emissions from engines using propane were up to 80 percent lower than emissions from the same engine when run on gasoline. Unburned hydrocarbon (HC) emissions were also lower registering reductions of up to 62 percent. When nitrogen oxides were compared, propane engines produce comparable amounts to gasoline models but by developing maximum cylinder pressures after top dead centre these quantities could be reduced. It has also been found that if engines are strictly designed for propane, emissions of CO, HC, and nitrogen oxides could be reduced further still. In addition, unburned hydrocarbons emitted by propane powered engines do not react with sunlight as readily as those produced by gasoline. This has the effect of reducing the overall amount of photochemical smog produced and is something of great importance today.

Also of great concern is the use of methyl tertiary butyl ether (MTBE) in gasoline for MTBE is not only a carcinogen but is highly water soluble. For instance, a new study by the U.S. Geological Survey and the Oregon Graduate Institute's Department of Environmental Science and Engineering estimates that up to one-third of the drinking-water wells in 31 states, located within 1 kilometre of a fuel tank, could be contaminated with MTBE. As a result, the Clinton administration as well as other governmental agencies are quickly moving to ban its use. Propane, on the other hand, contains absolutely no MTBE in its composition and is obviously not water soluble.

Small gasoline and diesel engines also produce significant amounts of particulate matter as well as sulphur oxides. Propane, however, produces negligible amounts of both particulate matter and sulphur oxides. Although the California Air Resources Board does not currently set a standard for sulphur based emissions in small engines, it is nonetheless, another significant reduction in atmospheric pollution that can at present, only be provided by propane and not by gasoline or diesel fuels.

Still another area where propane comes out on top is evaporative emissions. Here, the normal leakage of vapours out of the fuel tank and carburettor when an engine is not running can amount to 20 percent of the pollutants given off by a gasoline engine. In comparison, emissions from a propane based fuel system are negligible because the system itself, is sealed.

Yet another area where propane proves beneficial is in engine refuelling and fuel storage. Here, the California Air Resources Board has determined that gasoline cans of current design cause as much pollution as 1.1 million vehicles when they are used to refuel conventional small gasoline engines. The Sacramento Metropolitan Air Quality Management District has also estimated that in the process of refuelling these small engines 17 million gallons of fuel is spill statewide each year. This is, unfortunately, an amount greater than the petroleum spilled by the Exxon Valdez. As a result, CARB is currently seeking approval requiring all new gasoline containers: limit vapour seepage through the can's wall; eliminate vents; provide a closeable spout in order to keep vapours from being released; and be able to automatically shut off the flow of fuel to prevent overfilling. Such design changes are expected to at least double the cost of new gasoline fuel cans.

Propane fuel tanks, in contrast, are constructed of metal and operate in a pressurized state. As such, all of the design features mandated by CARB are inherently found in propane fuel tanks and their fuel supply systems. In addition, propane fuel tanks are less likely to rupture and can be easily recycled.

## **ENGINE PERFORMANCE**

Propane is a well known high octane fuel. Its octane rating of 97 permits

engine compression ratios to reach levels as high as 12:1 thereby substantially increasing engine efficiencies. Propane also contains more Btu. per pound than gasoline (19,750 vs. 18,920) but it also requires more air (a leaner mixture) to completely burn the fuel. What all this means is that theoretically, a similar amount of horsepower would be produced by an engine running on a stoichiometric mixture of either propane or gasoline since propane's slightly higher Btu content would be offset by its slightly leaner air/fuel ratio. In actuality, however, propane would produce somewhat more horsepower at the stoichiometric ratio because of its more complete and thorough mixing with air. But few carburetors are set at the stoichiometric ratio in the real world and most are calibrated somewhat richer in order to avoid the misfires associated with lean mixtures.

Consequently, the total overall efficiency of a small propane engine enables it to at least approximate the actual performance and fuel economy of gasoline. As a result, when performance and fuel economy are equal, propane will invariably be the lowest fuel cost contender for bulk propane normally sells at a price of one-third to one-half less than gasoline.

### **EMISSIONS DURABILITY AND MAINTENANCE BENEFITS**

Within an internal combustion engine the formations of sludges and acids are generally the result of combustion blow-by that causes additives within the oil to be rapidly depleted. Propane's clean burning characteristics however, even while the engine is warming up, slows this process down significantly. In turn, this virtually eliminates the build-up of carbon, varnish or sludge inside the engine. Moreover, propane does not wash engine oil from cylinder walls nor does it dilute its viscosity. Since the engine's oil therefore remains relatively clean bearings, rings, valve guides, and other friction surfaces last much longer than they would using gasoline. Less crankcase contamination also means that oil drain intervals and filter life can be safely extended for added savings and reduced garbage.

The high octane rating of propane also lessens the harmful effects of engine knock. Thus, as engine knock is reduced, the stress and shock loading experienced by pistons, rings, connecting rods, the crankshaft, and other related components is also diminished thereby helping to extend component life.

Spark plug life is also increased when propane is used. This not only reduces the incidence of misfires but also reduces maintenance costs as well as garbage. In addition, the exhaust gases of propane are much less corrosive and harmful than gasoline thereby increasing the life of any EGR or catalytic devices used.

The use of propane also benefits the fuel supply system because formations of gums, varnishes and other residues within the system itself are greatly reduced. Consequently, a propane fuel supply system, when compared to gasoline, remains cleaner longer thereby providing optimal operational performance over extended periods.

Accordingly, when an engine is strictly designed for propane its effective operational life can be noticeably increased over a similar gasoline model. Invariably, this increased longevity also increases emissions durability which in turn, renders major gains in environmental benefits, consumer desirability, and emission credits as well.

## **PRODUCT SAFETY**

According to the U.S. Department of Transportation propane, when treated with the same respect and common sense as any other fuel, is actually safer than gasoline. Propane, for example, does not puddle when spilled, and when released into the atmosphere it instantly becomes a gas quickly dissipating into the surrounding air. Since its vaporized density is about one quarter that of gasoline it is also much less likely to accumulate to explosive concentrations if there is no air movement. However, this danger can be severely compounded when liquid gasoline puddles for it not only can contribute to localized vapour concentrations but also feed a fire. Gasoline's lower autoignition temperature of 495 degrees Fahrenheit also increases fire and explosion hazards when compared to propane's higher autoignition temperature of 850-950 degrees Fahrenheit.

Although it may be considered an asphyxiant, propane is an otherwise non-toxic fuel. Such fuels as gasoline, on the other hand, are quite toxic for they may contain such harmful substances as methyl tertiary butyl ether (MTBE), benzenes, and sometimes lead. Gasoline as well as diesel can also pollute lakes, rivers, soils

as well as ground water when spilled or leaked from portable containers or fuel storage tanks. They can also permeate the skin when contacted and their fumes as well as their exhausts create a higher incidence of disease than propane.

Propane has also gained, over the years, a broad market acceptance in many diverse fields due in large part to its many desirable attributes. This is why it is routinely used worldwide without mishaps in a large variety of small portable consumer products. It is also the reason why it has achieved such an exemplary safety record in both automobiles and trucks. As such, these new small propane engines will undoubtedly provide all of the benefits that propane has to offer without compromising any safety margins, standards, or regulations of any kind.

### **PRODUCT COMPETITION**

Most products have competition but the important point to note is whether they offer a quality and viable alternative. Presently, small engine manufacturing falls into three basic design categories. The first type, are very pollutive, for they are two-cycle in design. The second type, although operating as four-cycle engines, utilize vented fuel tanks, carburetors and gasoline. The third and last type of operation is that of diesel. All of these systems have either minimal or no emissions reducing technology. It is, therefore, these types of engines which many states and territories wish to reduce or even ban, by legislating the mandatory implementation of emission reduced or no emission engines.

However, the use of propane powered equipment would easily meet all current and proposed emission standards worldwide, therefore providing a technological edge against many competitors. Propane's many excellent characteristics and qualities would not only gain strong governmental support but also high consumer appeal. In most jurisdictions governments have also promoted the use of environmentally friendly energy sources by subsidizing the cost of research and development, capital expenditures as well as the ongoing operational expenses of these new products. For example, in many regions of the world today alternate fuelled vehicles which utilize propane are exempt from certain sales and or fuel taxes. If these new engines could also be classified in a similar fashion it would substantially add to their already considerable competitive strength.

Moreover, the pollution that many countries will experience in the future will mean that more and tougher regulations will not be long in coming. Fortunately, this will serve to not only enhance the future competitive prospects of these new small engines but expedite their acceptance as well. As such, it can easily be seen that with the protection of both U.S. and Canadian patents the profits afforded by this invention could be very lucrative indeed. It also demonstrates that the total monetary rewards ultimately realized by this innovation could be further improved if its immense international potential is also exploited.

Thus, insofar as these small engines are concerned, these circumstances will definitely favour the future sales of these products as these products not only reduce pollution but also save money. As a result, the competitive advantages of these small engines are quite impressive as the list, furnished below, shows.

**(1) Summary of Competitive Advantages**

- a. Exceeds all present and proposed governmental emission standards.
- b. Propane is a non-toxic fuel source that is safer than gasoline.
- c. Fuel evaporation is eliminated.
- d. Fuel spillage during refuelling is negligible.
- e. Propane eliminates all ground and ground water pollution.
- f. Propane not only contains negligible amounts of sulphur but also is a low level greenhouse gas possessing low photochemical reactivity.
- g. Fuel expenses are reduced.
- h. Simplicity of design.
- i. Equipment and maintenance training is minimal.
- j. Outstanding equipment reliability.
- k. Maintenance costs are exceedingly low.
- l. Reduces garbage and toxic waste; i.e. spark plugs and used motor oils.
- m. Low implementation costs.
- n. An existing fuel distribution infrastructure in many areas.
- o. The use and availability of propane is growing yearly.
- p. The technology can be used in a large variety of equipment.
- q. The technology can be used in both four-cycle and two-cycle engines.
- r. Both U.S. (#5,542,398) & Canadian (#2,174,975) patents have issued.
- s. A timely and enormous untapped market.
- t. A competitive element of surprise.
- u. Harmonious with governmental goals.

## **PUBLIC RELATIONS VALUE**

In today's business world the environmental aspects of any commercial endeavour is much more strictly scrutinized by the general public. Thus, many governments today have enacted environmental regulations due to the desires, requests, and at times, demands made upon them by their citizenry. Therefore, since many people today believe good government must take an active leadership role in protecting the environment it must also be concluded that these same people will view a corporation which aspires to these same goals in a very favourable light. Accordingly, a corporation who not only strives for these ideals but is also simultaneously successful at improving both performance and operational expenses will be viewed publicly as being corporately responsible as well as progressive. In short, therefore, sound public relations can go a long way in increasing company sales and simulating strong and rising profits in all areas of the corporation's business activities.

## **POTENTIAL MONETARY RETURNS**

The federal Environmental Protection Agency (EPA) has estimated that there are 89 million pieces of lawn and garden equipment in the United States with engines rated 25 horsepower or less. It has also figured that there are 4.6 million small garden engines in California alone, half of them gas mowers.

In addition, the Sacramento Metropolitan Air Quality Management District has calculated that one small engine produces, in one hour of operation, the same pollution as a 1992 car travelling 650 miles. Evaluations by the Federal Highway Administration has determined that operating a gas-powered lawn mower for one hour, is the equivalent in hydrocarbon emissions as driving a 1992 model-year car from San Francisco, California to Portland, Oregon or about 611 miles and the carbon monoxide emissions from San Francisco to Reno, Nevada or about 228 miles.

Also of importance is CARB's estimate that the 1998 emissions inventory of portable gas cans account for about 87 tons of smog-forming reactive organic gases escaping into California's air daily. Emissions from this source category will further



increase to 96 tons per day (TPD) in 2010 if the action taken by the Board last fall to control gas can emissions is not implemented. CARB has also reckoned that gas cans contribute as much pollution as 1.1 million cars in that state alone and that better-designed cans could cut up to 73 percent of the smog-producing gases they emit daily. Moreover, the gasoline powered off-road equipment population, as approximated by CARB, is comparable to that of gas cans. Thus, the evaporative emissions associated with this segment of the off-road equipment population may also be quite significant.

With these figures in mind a few rudimentary calculations could be performed in order to assess the potential monetary returns of these small engines.

- (1) If the average service life of small gasoline engines are presumed to be around 7 years then the national turnover rate would amount to  $[89 \text{ million} / 7 \text{ years}]$  or 12.7 million engines per year. If it is also surmised that the average small engine is used for about 35 hours per year and that it generates, in one hour, the pollution equivalency of a 1992 car travelling 228 miles, the lowest figure listed above, then this would amount to  $[35 \times 228]$  or 7980 miles of comparable automotive travel. Since the average motorist travels in and around 12,000 miles per year then  $[12,000 / 7980]$  or 1.5 small gasoline engines would equally match one automobile in pollution production. As a result, this annual tally of 12.7 million new small gasoline engines can be correlated directly to the pollution emitted by  $[12.7 \text{ million} / 1.5]$  or 8.47 million automobiles. If small propane engines were then assumed to be only one-half as pollutive as comparable gasoline models net emissions savings would total  $[8.47 \text{ million} / 2]$  or 4.235 million automobiles.
- (2) Gas can emissions totalling 87 tons per day equates to 1.1 million automobiles. However, this figure will be, if CARB's new standards are implemented, reduced by 73 percent by 2010. As a result, California's net pollution savings from this section would be reduced to an amount equalling 297,000 automobiles per year. But California represents only 30 million of the nation's total population of 273 million. This, therefore, translates into an amount equalling  $[30 \text{ million} / 273 \text{ million}]$  or about 11 percent of the population. Consequently, national emission credits would total  $[297,000 / 11 \text{ percent}]$  or about 2.70 million automobiles.
- (3) If, as CARB believes, the evaporative emissions produced by small off-road

gasoline powered engines are quantitatively similar to that created by gas cans then this amount, in itself, would total about 1.1 million vehicles in California alone. However, even if only one-half of this figure is validated the national total would still reach an astonishing  $[(1.1 \text{ million} / 11 \text{ percent}) / 2]$  or 5.0 million cars.

- (4) Total net overall emissions savings would therefore equal the sum of 4.235 million plus 2.700 million plus 5.000 million or 11.935 million automobiles nationwide each and every year.
- (5) If General Motors were to then capture only 20 percent of this market segment the total overall yearly emission savings accruing to General Motors would reach a stunning  $[11.935 \text{ million} \times 20\%]$  or 2.387 million automobiles.
- (6) As the stringency of all future automotive and truck emission regulations rise the cost of compliance will become an expensive proposition for all to bare. For example, the emission levels of trucks are currently set to a different standard than for automobiles. However, this practice will change in the near future as both of these categories will be required to meet similar standards. Since trucks are, at present, set to the lower of the two, their upgrading will become much more technologically challenging and expensive. If, as a result, the actual future cost of this upgrading should range in and around 500 to 1000 U.S. dollars per truck the resulting monetary savings would amount to at least 1.193 to 2.387 billion U.S. dollars annually. Internationally, the savings could easily reach much much higher. Thus, by using the principle of emissions trading costs can be effectively converted into profits and increasing profits, in turn, produce increasing share values. These figures, therefore, clearly demonstrate the spectacular monetary returns which General Motors could enjoy if it decided to proceed with this new project.
- (7) Also of great importance is the fact that emission credits are actually based upon anticipated service life. As a result, if the increased lifespan of small propane engines were acknowledged their earnings, in both emission credits and dollars, would again rise sharply higher.

**FROM USA TODAY, September 10, 1999: By Jayne O'Donnell**  
**California may require less-polluting gasoline containers**

The latest environmental culprits in California? Those familiar red cans for refilling gas tanks or powering mowers.

The California Air Resources Board will decide this month whether to require a redesign of fuel containers, which the board says emit as much pollution as 1.1 million cars in that state. CARB says better-designed cans could cut up to 75 percent of the 94 tons of smog-producing gases the cans emit a day.

"When you get past cars, trucks and buses, you end up with a lot of different sources contributing smaller quantities of air emissions," says CARB's Richard Varenchik. "This is a pretty big smaller piece."

If the rules are approved, gas cans and spouts sold in California would need devices that automatically shut off the flow of gas to prevent overfilling and close the spout to keep vapors from releasing. The rules would also ban the vents that make gas easier to pour and force manufacturers to limit how much vapor escapes through the walls of the cans.

CARB estimates the changes could double the price of gas can, which cost \$5 to \$20. CARB says Californians buy about 2 million a year.

The regulations could be so costly, household products maker Newell Rubbermaid may be forced to reconsider selling gas cans in California, say consumer marketing director Joe Deering.

"There's no payback to redesigning for that size market," Deering says.

"It's a bit of overkill," says Randy Kingsbury, vice president of marketing for Flotool, a Fullerton, Calif.-based maker of gas can spouts. "I would have thought trees falling down would give off more hydrocarbons than this."

Varenchik says CARB is the "first in the world to pay any attention to this at all."

But CARB staff members say several states and some officials at the federal Environmental Protection Agency have expressed interest in the plan. California's air pollution rules frequently become models for federal regulation.

Don Zinger, assistant director of EPA's office of mobile sources, says EPA will review California's plan but declined to predict whether the agency would take similar action.

The EPA is working to educate consumers in some Northeast states about the risks of spilled gas, but not emissions problems with the cans and spouts.

The California rules would take effect Jan. 1, 2001. Existing cans wouldn't be affected.

**FROM USA TODAY, March 23, 2000:  
TAINTED WATER**

Up to one-third of drinking-water wells in 31 states could be contaminated with the gasoline additive MTBE, a new study warns. Researchers with the U.S. Geological Survey and the Oregon Graduate Institute's Department of Environmental Science and Engineering found about 9,000 of 26,000 wells were within a kilometre of a leaking fuel tank, head researcher John Zogorski said. But Zogorski said it's likely that not all of the 9,000 wells are tainted with MTBE - methyl tertiary butyl ether. The study omitted 19 states, including California and Texas, because they lacked needed information on well sites. The Clinton administration said it is moving to ban MTBE from gasoline.

**FROM THE SACRAMENTO METROPOLITAN  
AIR QUALITY MANAGEMENT DISTRICT -- 1999**

In one hour, gasoline-powered lawn mowers emit the same amount of pollution as driving 650 miles in a 1992 model automobile.

Statewide, gas lawn mowers emit 8.28 tons of pollution per day!

Lawn and garden equipment users inadvertently spill 17 million gallons of fuel each year while refilling their power equipment -- more than the petroleum spilled by the Exxon Valdez.

LEGAL DEPARTMENT  
Thomas H. Griswold  
Division Counsel

Direct Dial: 704-587-2124  
Facsimile: 704-587-2734

October 9, 1995

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls  
Ontario, Canada LTJ 2G6

Dear Mr. Marcon:

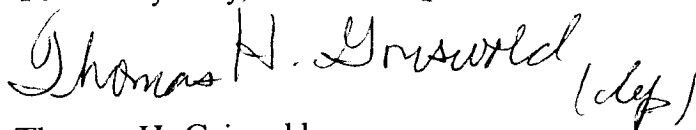
Your recent inquiry concerning the possible evaluation by Homelite of your idea or invention has been referred to me for reply. We wish to thank you for offering Homelite the opportunity of considering your idea.

Homelite maintains an active interest in all new inventions and ideas relating to our products. However, since ideas are constantly submitted to us, we have found it necessary to apply a uniform set of conditions to the submission of all suggestions received by us for consideration. The conditions, which are set forth in the enclosed Homelite Policies and Conditions, are offered for the protection of your interests as well as those of Homelite. A copy of the Homelite Policies and Conditions completed and signed by you must be received by Homelite before we can proceed to consider the idea or invention.

When this Homelite Policies and Conditions is signed and returned, we will evaluate the submission from both our engineering and marketing objectives. In the event that you decide to submit to us the invention or idea, we urge you to provide a written description and if possible, sketches of the invention.

We will look forward to hearing from you and appreciate your interest in Homelite.

Yours very truly,

A handwritten signature in cursive script that reads "Thomas H. Griswold" followed by a small "(def)" in parentheses.

Thomas H. Griswold  
Division Counsel

bp

Enc.

LEGAL DEPARTMENT  
Thomas H. Griswold  
Division Counsel

Direct Dial: 704-587-2124  
Facsimile: 704-587-2734

January 3, 1996

Mr. Robert Marcon  
3741 Sinnicks Avenue  
Niagara Falls  
Ontario, Canada L2J 2G6

Re: LPG Fuel Tank, and Fuel Supply System, for Engines

Dear Mr. Marcon:

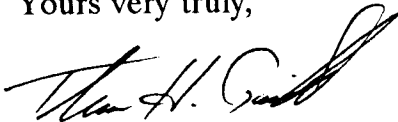
Our evaluation of the above-referenced submission, which was presented to us for our review, has now been completed. The review was based on the disclosure which you sent to us on November 15, 1995 and upon our general knowledge and familiarity with outdoor power equipment.

After having reviewed the invention, it has been determined that a device of the type disclosed would not be suitable for our manufacture or production at this time. While Homelite is a leading manufacturer of outdoor power equipment and while we are constantly searching for ways to improve our product line, we are unable to pursue all related concepts. Particularly, it is our estimation that the invention would have no present application and the marketing potential of the invention would be minimal as related to our products.

For these reasons and other design considerations, we are not interested in pursuing the concept at this time.

We appreciate having had the opportunity of reviewing the idea and invention.

Yours very truly,



Thomas H. Griswold  
Division Counsel

bp



## BRIGGS & STRATTON CORPORATION

---

October 9, 1995

Mr. Marcon  
3471 Sinnicks Avenue  
Niagara Falls  
Ontario CANADA L2J 2G6

Dear Mr. Marcon:

I understand that you have an invention or an idea that you would like to submit to Briggs and Stratton for our consideration.

We have a review procedure, and I am enclosing a copy of our policy statement concerning the handling of outside proposals. To start the process, I am also enclosing two (2) Submission Information Form blanks. If our policy is acceptable to you, please complete the forms and return one copy to my attention with a complete description of your proposal. Also please sign both the Submission Agreement and the Submission Information Form, and I will see that it is promptly reviewed by the appropriate individuals or departments. Keep the second copy for your records, as well as a copy of all information submitted.

Thank you for your interest in Briggs and Stratton.

Sincerely,

MARGE REEVES  
Research and Development  
Briggs & Stratton Corporation

Enc.



## BRIGGS & STRATTON CORPORATION

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November 30, 1995

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
CANADA L2J 2G6

Dear Mr. Marcon:

Thank you for your letter of November 15, 1995 with information on your invention. Unfortunately it does not apply to any of our immediate needs or interests.

Thank you for submitting your ideas to Briggs and Stratton.

Sincerely,

BRIGGS AND STRATTON CORPORATION

Robert K. Mitchell  
Manager of Research





**TECUMSEH PRODUCTS COMPANY**  
ENGINE AND TRANSMISSION GROUP

NEW HOLSTEIN OPERATIONS  
1604 MICHIGAN AVENUE  
NEW HOLSTEIN, WISCONSIN 53061-1175

PHONE: 414-898-5711  
FAX: 414-898-4576

November 7, 1995

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagra Falls, Ont. Canada L2J2G6

Dear Mr. Marcon:

Before reviewing any new idea, we must have on file a signed Submission Agreement from the inventor. Please review the enclosed Submission Agreement form, and return one signed copy to me with the necessary descriptive information of your invention. The second copy of the Agreement is for your own records.

Thank you for your interest in Tecumseh Products Company

Sincerely,

TECUMSEH PRODUCTS COMPANY

James W. Moorman  
Director Of Engineering  
Engine Products

cas\JMoorman\subagree  
Enclosure  
cc: Project 250-410



**SUZUKI MOTOR CORPORATION**

300 TAKATSUKA, HAMAMATSU, JAPAN

TELEX SUZUK J59695  
FAX 81-53-446-0040  
CABLE ADDRESS  
"SUZUKI HAMAMATSU"

Your ref. \_\_\_\_\_  
Our ref. \_\_\_\_\_

Dec. 22, 1995

Mr. Robert Marcon  
3471 Sinnicks Avenue,  
Niagara Falls, Ontario,  
Canada,  
L2J 2G6

Dear Mr. Marcon:

Thank you for your letter dated Dec. 1, 1995 regarding new fuel system.

Glancing through the material, it appears that you intend to propose with your letter and attached materials some form of technical information for review by SUZUKI MOTOR CORPORATION ("SUZUKI") or one of SUZUKI's related departments.

It is the firm policy of SUZUKI, however, in the case of all technical information and proposals received by mail from outside sources, to promptly refuse and decline before reviewing the pertinent contents. This policy is effected in order to avoid any possible disputes between the proposer and SUZUKI.

Accordingly, we must return the same to you by mail without any review of their contents.

Also, please be assured that SUZUKI has neither created nor retains any copies or reproductions, nor any record of your letter and enclosed materials. However, only a copy of this letter dated Dec. 22, 1995 from myself to you will be retained in the files of the office of the patent division.

Sincerely yours,

SUZUKI MOTOR CORPORATION

A handwritten signature in cursive script, appearing to read 'K. Shimizu'.

K. Shimizu

Manager

Patent Department

# DEERE & COMPANY

JOHN DEERE ROAD, MOLINE, ILLINOIS 61265-8098 U.S.A.



Patent Department

13 February 1996

Mr. Robert V. Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6

Dear Mr. Marcon:

We are in receipt of your letter regarding your idea for a fuel tank and fuel supply system for engines.

We are always interested in exploring new ideas which might be profitable additions to our line or improvements for equipment already in our line.

Enclosed is a paper which explains the conditions under which we can review ideas submitted by persons outside our organization. Please review the paper and, if the conditions set forth therein are satisfactory, sign the Disclosure Statement on the reverse side of the paper and return it to me. We will then forward the disclosure of your idea to the appropriate personnel in our company for their evaluation.

Very truly yours,

Rheta A. Mueller  
Patent Paralegal

ram  
Enclosure

# DEERE & COMPANY

JOHN DEERE ROAD, MOLINE, ILLINOIS 61265-8098 U.S.A.



Patent Department

21 March 1996

Mr. Robert V. Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6

Re: Fuel Tank and Fuel Supply System for Engines

Dear Mr. Marcon:

Our engineers have carefully reviewed the above idea, which was described in the material you recently forwarded, and have decided that we have no interest in acquiring any rights to your design. Nevertheless, we wish to thank you for submitting your idea to us for our consideration.

Very truly yours,

*Rheta A Mueller*  
Rheta A. Mueller  
Patent Paralegal

ram



**Paul N. Kiel**

*Vice President - General Counsel*

March 11, 1996

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6

Dear Mr. Marcon:

This letter is in response to your recent correspondence to Snapper regarding your new product concept.

Your letter indicates that a patent application is currently pending with the Canadian authorities. However, due to the many possible variations that could be made to the concept before the patent is granted, if at all, we would prefer to wait until the patent is issued before examining the details of the invention.

Thank you for your interest in Snapper.

Sincerely yours,

Paul N. Kiel

Vice President & General Counsel

PNK:lcb

**KOHLER**

August 7, 1996

Dear Mr. Marcon:

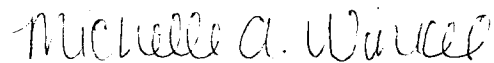
RE: PRODUCT IDEA SUBMITTAL

Thank you for the information sent regarding your fuel system for small engines.

After careful review by appropriate areas involved in product development, we have decided we would not be interested in your invention at the present time.

We at Kohler Co. appreciate receiving your ideas and wish you success in your design efforts.

Very truly yours,



Michelle A. Winkel  
Legal Department

Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada O2J 2G6

MAW

**KOHLER**

October 17, 1995

Dear Mr. Marcon:

RE: PRODUCT IDEA SUBMITTAL

Thank you for your telephone call on October 9, 1995 regarding your invention.

Kohler Co. has adopted a procedure for the protection of both the company and the individual submitting outside ideas. In order to avoid misunderstandings, we much prefer to have an inventor define his rights by having a patent issued to him/her before making a disclosure to us. However, where an inventor desires us to consider an idea prior to official determination of its patentability, we ask that one copy of the enclosed form be signed and returned to us with descriptive papers.

We appreciate your interest in calling us and look forward to receiving your disclosure. Please be assured that your invention will receive our careful consideration.

Very truly yours,



Cheryl L. Thome  
Legal Department

Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada O2J 2G6

CLT

Enc.



**Paul N. Kiel**

*Vice President - General Counsel*

September 26, 1996

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6

Dear Mr. Marcon:

We are in receipt of your correspondence dated September 17, 1996, which enclosed a copy of the patent you have obtained on the LPG Fuel Tank, and Fuel Supply System, for Engines.

This item was reviewed by our Engineering Department, and after appropriate study and consideration, it was determined that we should not proceed further with the matter.

Your device is certainly an interesting one, and we want to wish you the best of luck in finding a suitable partner for development. All of your material is returned herewith.

Sincerely yours,

Paul N. Kiel

PNK:bhk



# HONDA

HONDA MOTOR CO., LTD.

No. 1-1, 2 Chome, Minami-aoyama, Minato-ku, Tokyo 107, Japan

Cable Address: HONDAMOTOR TOKYO

Tel: TOKYO(03)3423-1111

Fax: (03)3423-2442

Telex: J22678 HONDAMTR

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6

March 19, 1996


Dear Mr. Marcon:

We thank you for your letter dated December 1, 1995 regarding your newly developed fuel system for small engines together with the enclosure. Your letter has been forwarded to our section to be properly replied.

As you will kindly understand, we have so many themes to be developed within our own company and we are practically incapable of carrying out studies or tests for proposals and suggestions presented from outside the company. We therefore regret to inform you that we cannot take up reviewing your proposal at the present stage.

If your invention is or will be related to our newly developed products, our company might then contact you for a possibility of licenses etc. in future.

Yours very truly,  
HONDA MOTOR CO., LTD.

  
Hiroshi YASUDA  
Legal Affairs Department



## MTD PRODUCTS LIMITED

97 KENT AVE. P.O. BOX 1386, KITCHENER, ONTARIO N2G 4J1 • (519) 579-5500 • TELEX 069-55269 • FAX (519) 579-5730

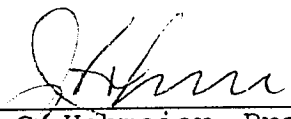
### TO THOSE WISHING TO SUBMIT IDEAS TO MTD PRODUCTS LIMITED

We are sometimes asked by persons outside of our organization to consider ideas for possible use. It so happens that sometimes these ideas are already known or freely available to us, are disclosed in prior patents or publications, or that we have worked or are presently working, on the same or similar idea.

To avoid any possible misunderstanding or controversy, it is our fixed company policy that we will not look at, read about, or listen to ideas from outside our organization, or to consider such ideas unless and until the persons submitting such ideas agree beforehand that the ideas are not submitted or disclosed to us in confidence, in trust, nor under any understanding. Those submitting or disclosing ideas to us must rely solely upon such patent protection as they are able to obtain under the patent laws.

If you wish to proceed with this condition and understanding, please sign, date and return to us the enclosed copy of this letter as an indication of your agreement to this. Also briefly identify the general nature of your idea along with your signature.

MTD PRODUCTS LIMITED

By   
John C. Hohmeier, President

Date: May 24/76

I understand and agree to the above terms and conditions.  
My idea briefly relates to: LPG. Fuel Supply System.

(If necessary, another page may be attached for a brief description of the idea)

By Robert V. Mann  
(Address) 3471 Sinnicks Ave



# YAMAHA MOTOR CORPORATION, U.S.A.

6555 KATELLA AVENUE • CYPRESS, CALIFORNIA 90630

MAIL ADDRESS: P.O. BOX 6555, CYPRESS, CALIFORNIA 90630

June 3, 1996

Mr. Robert Marcon  
3471 Sinnicks Avenue  
Niagara Falls, Ontario  
Canada L2J 2G6


Dear Mr. Marcon,

Thank you for your correspondence dated February 5, 1996.

I have reviewed these materials and do not feel that it fits in with our current company product structure. I am therefore returning said materials to you. However, should an interest be shown at a later date, I will contact you.

Thank you for your interest in Yamaha and I wish you success with your product.

Sincerely,

  
Yukiharu Hosoi, Asst. to the Vice President  
Research and Development, CA

YH:ch

Enclosures



The Toro Company

8111 Lyndale Avenue South, Bloomington, Minnesota 55420-1196  
• 612/888-8801 • FAX 612/887-8258

## THE TORO COMPANY POLICY ON OUTSIDE IDEAS

Thank you for taking the time to submit your product related idea to The Toro Company. We sincerely value your interest in Toro.

Following is a summary of The Toro Company policy on outside ideas:

1. Toro evaluates all ideas relating to its field of business if the idea is covered by an **issued** United States "utility" patent. Your U.S. patent is a "utility" patent if it has a seven digit "patent number", e.g., 4,925,233.
2. If the outside idea is covered by an issued United States utility patent, the inventor and/or patent owner should submit a photocopy of the patent to:

Outside Idea Coordinator  
The Toro Company  
8111 Lyndale Avenue South  
Minneapolis, MN 55420

3. Other than giving us your name and address and a copy of your patent, do not send any additional materials or information. The patent should be self-explanatory. If you submit or have already submitted materials other than an issued United States patent, these materials are being or will be returned to you. If you have already submitted an issued United States patent, it will be evaluated pursuant to this policy. The patent will not be returned to you. We do not photocopy or retain any materials that you submit to us other than issued United States patents.
4. Toro will review the patent and will contact the inventor and/or patent owner if Toro is interested in acquiring rights to the technology disclosed in the patent.

As always, if you have a problem or a concern with a Toro product that you own and/or operate, you should contact the dealer or distributor through which the product was purchased.

Again, we thank you for considering The Toro Company and we wish you success in marketing your idea.

## ENGINE MANUFACTURES

- 1.\* *check* Mr. John Prentis,  
Acme North America Corporation, [A] Acme Motori, SPA/Italy  
5203 West 73rd Street, Sept. 9/96  
Minneapolis, MN.,  
U.S.A.,  
55439  
612-835-2423 FAX 612-835-6733 800-786-0655  
[3 mill. U.S.A. Sales; 50 mill. worldwide; Italian subsidiary]

2. Mr. John Fisher,  
Vice President Engineering,  
Alamo Group Inc., [A] Alamo Group Inc.  
Highway and Field Mowers, S-Mott Corp., Triumph Mfg.  
1502-T Walnut, Co., Servis-Rlino Inc.,  
P.O. Drawer 549, Dr7B Inc.  
Seguin, TX.,  
U.S.A.  
78155  
[10M+]  
210-379-1480 FAX 210-379-4363

3. AMW Cuyuna Engine Company,  
8 Schein Loop,  
Beaufort, SC.,  
U.S.A.,  
29902  
[?]  
803-846-2167

Note: I should send in a request that I have an invention  
that they may be interested in. Address to Mr. Andy Allan.  
The size of the company is about 35 people and they make  
2 cycle engines up to 8 horsepower.

- check* 4.\* Mr. David Vander Zanden, Pres.  
Ariens Company International Inc.,  
~~Ariens Canada Ltd.,~~  
655-T West Ryan Street,  
Brillion, WI.,  
U.S.A.,  
54110-1098  
[100M+]  
414-756-2141 FAX 414-756-2407  
[Does not make small engines anymore.]

January 22, 1996

Leona Sept. 9/96  
called me Sept. 24/96

- 5.\* Ms. Marge Reeves,  
Research and Development,  
Briggs & Stratton Corp.,

Post Office Box 702,  
Milwaukee, Wisconsin,  
U.S.A.,  
53201-0702  
414-259-5333 FAX 414-259-5338

>>> Not interested.

6. Clinton Engines Corp.,  
Dept. 151-C,  
Maquoketa, IA.,  
U.S.A.,  
52060  
[1M+]  
319-652-2411 FAX 319-652-3427  
[Don't make engines anymore.]

[A] Lomart Industries Inc.,

7. Craftsman,  
Sears Roebuck & Company,  
Chicago, IL.,  
U.S.A.,  
60607  
[?]

- 8.\* Deere Power Systems  
P.O. Box 5100,  
Waterloo, IA.,  
U.S.A.,  
50704-5100  
[250M+]  
319-292-6060 FAX 319-292-5075  
[Big engines only.]  
[Overall company has 7.5 Billion in sales.]

December 1, 1995

---

Small Engines Division,  
Technical Centre,  
Horicon, Wisconsin,  
U.S.A.,  
414-485-5188

Mr. Larry Sawson

Sent info. to: Mr. Bernard L. Hardiek,  
Sr. V-P Lawn, Ground Care & Parts,  
Deere and Company,  
John Deere Road,  
Moline, IL.,  
U.S.A.,  
61265  
309-765-8000

*check*

>>> Not interested

- 9.\* Homelite Inc.,

[A] Division of Deere & Company

December 1, 1995  
February 13, 1996

Rheta A Mueller  
Patent Paralegal  
309-765-5300  
F 309-765-5892

14401 Carowinds Boulevard,  
P.O. Box 7047,  
Charlotte, NC,  
U.S.A.,  
28241  
[?]

704-588-3200

Legal Department 704-587-2124 FAX 704-587-2734

>>> Not interested.

- 10.\* American Honda Motor Company Inc.,  
100 West Alondra Blvd.,  
Gardena, CA.,  
U.S.A.,  
90247  
[?]

Not Interested.

Honda Motor Company Inc.,  
1-1 Minami, Aoyama,  
2 Chome,  
Minato-Ku, Tokyo,  
Japan  
[37.45 Billion]  
(for cars)

---

Honda Motor Company Inc.,  
Small Engines Division,  
Duluth, Georgia,  
U.S.A.  
770-497-6000

All small engines are designed and built in Japan.

Therefore, sent to Address: Honda Motor Company Ltd., December 1, 1995  
1-1 Minami-aoyama,  
Minayo-ku,  
Tokyo, Japan,  
107  
(ATTN: SMALL ENGINES DIVISION)  
81-3-5412-1134

>>> Not interested.

- 11.\* Kawasaki Motors Corporation U.S.A.,  
P.O. Box 88285,  
Grand Rapids, MI.,  
U.S.A.,  
49588-8285

David Duke.

[1M+]

616-949-6500 FAX 616-954-3031 800-433-5640

[Talked to Ray Tuggle.....Send to Mr. Fujito.]  
[They will keep confidential.]  
[Kawasaki Japan 7.9 Billion in sales.]

*check.*  
12.\* Kohler Company.,  
Engine Division,  
Dept. TR.,  
Kohler, WI.,  
U.S.A.,  
53044  
[?]

414-457-4441 FAX 414-459-1570

November 15, 1995

*Cheryl L. Thome  
Legal Dept.  
Not Interested*

U.S. & CAN. 800-544-2444

13.\* Kubota Tractor Corp.,  
1300-T Remington Road,  
Schaumburg, IL.,  
U.S.A.,  
60173-4800  
(ATTN: SMALL ENGINES DIVISION)  
[50M+]  
708-884-0212 FAX 708-884-6410

December 1, 1995

---

Small Engines Division  
Chicago, Illinois,  
708-290-7532

14. Lawnboy Inc.,  
8111 Lyndale Avenue South,  
Bloomington, MN.,  
U.S.A.,  
55420  
[?]  
612-887-7200 FAX

[A] Toro Company

800-526-6937

15. Lawncraft Manufacturing Corp.,  
Main & Carlyle,  
Hoffman, IL.,  
U.S.A.,  
62250  
[1M-]  
618-495-2532

(no answer)

16. Lister Petter Inc.,  
Industrial Diesel Engines  
Marine Engines, Natural gas  
815E 56 Hwy.,  
P.O. Box 1160,  
Olathe, KS.,  
U.S.A.,  
66061  
[1M+]  
913-764-3512

[A] Lister-Petter Ltd.,  
Dursley Glos, England



17. Murray Ohio Manufacturing Company, [A] Tomkins Corp.

P.O. Box 268

Brentwood, TN.,

U.S.A.,

37027

[?]

615-373-6500 FAX 615-373-6771

[Makes mowers not engines.]

Called Sept 23.

- 18.\* Mr. Paul Plahn,  
Director of Advanced Engineering,  
Onan Corporation,  
Mail Station No. MN15-1014,  
1400 73rd Avenue N.E.,  
Minneapolis, MN.,  
U.S.A.,  
55432  
[609M+]  
612-574-5301 FAX

[Cummins/Onan]

Jerry Johnson

Sent info. to: Mr. Dennis Campbell,  
V-P and General Manager (Mobile),  
Onan Corporation,  
1400 73rd. Avenue N.E.,  
Minneapolis, MN.,  
U.S.A.,  
55432  
612-574-5000

December 1, 1995

Sept. 4/96

Legal

Marcan.

Gary Gran

812-377-3554

Columbus  
Indiana

- 19.\* Snapper Power Equipment,

535 Macon Road  
P.O. Box 777,  
McDonough, GA.,  
U.S.A.,  
30253

[5M+]

404-957-9141

770-954-2626

Interested only when patent issues

Mr. Craig Kruger, Pres.,  
Snapper, Inc.

Mr. Paul N. Kiel  
Vice Pres. & General Counsel

January 22, 1996

[Rings but no answer.]

FAX 770-954-2602

- 20.\* Mr. James W. Moorman,  
Director of Engineering,  
Engine Products,  
Tecumseh Products Company,  
Engine and Transmission Group,  
New Holstein Operations,  
1604 Michigan Avenue,  
New Holstein, Wisconsin,  
U.S.A.,  
53061-1175  
414-898-5711 FAX 414-898-4576

Nov 15, 1995  
James W. Moorman  
Director of Engineering  
Engine Products

21. Tilton Equipment Company,

[Importer 2-cycle engines.]

P.O. Box 26003,  
St. Paul, MN.,  
U.S.A.,  
[?]

22. Toro Company,  
Commercial Products Division,  
8111 Lyndale Avenue South,  
Minneapolis, MN.,  
U.S.A.,  
55420  
[250M+]  
612-888-8801 FAX

[Maybe Bloomington, MN.,]

800-803-8676 Ext. 111

[Toro Legal Dept., Ms Peggy Gerald, 612-887-8912]

>>> interested only when patent issues.

- 23.\* Mr. Jerome Berti,  
Vice President of Engineering,  
Teledyne Total Power,  
3409-T Democrat Road,  
Memphis, Tennessee,  
U.S.A.,  
38118  
[250M+]  
901-365-3600 FAX 901-369-4050  
[makes engines 2-150 H.P.]

November 15, 1995

[A] Fuji Heavy Industries Ltd.  
Tokyo Japan

[ASSOCIATED WITH Wisconsin Robin]

Sept. 9/96 Beverly.

Sept 23/96

Not Interested

24. Yard Marvel Manufacturing Company Inc.,  
North 5509-T Market,  
Spokane, WA.,  
U.S.A.,  
99207  
[1M-]  
509-487-2428 FAX 509-483-2044

- 25.\* Suzuki Motor Corporation,  
Hamamatsu-Nishi,  
Box 1,  
Hamamatsu, Japan,  
432-91  
(ATTN: SMALL ENGINES DIVISION)  
[8.12 Billion]  
81-534-402111

Suzuki America Corporation,  
3251 E. Imperial Hwy.,  
Brea, CA.,  
U.S.A.,  
714-970-6005

Suzuki Corporation,  
5482 Complex Street,  
Ste. 105,  
San Diego, CA.,  
U.S.A.,  
619-560-9517

>>> not interested.

26.\* Mr. Aoki,  
Engineering Manager,  
2100 Gulf Road,  
Suite 460,  
Rolling Meadows, IL.,  
U.S.A.,  
60008

November 20, 1995

27. Tanaka Kogyo U.S.A. Co. Ltd.,  
22322-T 20th. Avenue S.E.,  
Bothell, WA.,  
U.S.A.,  
98021  
206-481-2000 [phone disconnected]  
[makes 2 cycle engines.]

FAX 206-486-6172

Tanaka International,  
22461 72nd. Avenue,  
S. Building 3, Dept. T,  
Kent, WA.,  
U.S.A.,  
98032

206-395-3900 FAX 206-395-1515 800-563-3359

28. Wolfedale Engineering Ltd.,  
3644 Wolfedale Road,  
Mississauga, Ontario,  
Canada,  
L5C 3E6  
905-275-4948

29. Marshall Gas Controls Inc.,  
San Marcos, Texas,  
U.S.A.

27B ~~Mr. Masahiko Shibuya, Pres.~~  
\* Mr. Yukihiro Hoshi  
Assistant to the Vice President  
Research & Development CA.  
Yamaha Motor Corporation, U.S.A.,  
6555 Katella Avenue,  
Cypress, California,  
U.S.A.,  
90630

March 5, 1996

Mail Address  
P.O. Box 6555  
Cypress, California,  
U.S.A.  
90630

714-761-7300  
F ?

27A

Mr. Akio Urakami Ch. Bd. & Pres., Feb 5, 1996  
 Ryobi North America Inc,  
 101 Grace Drive,  
 Earley, SC,  
 U.S.A.  
 29690-9088

1-~~803~~-555-1212  
 1-864-  
 295-7720

Bob Burger  
 Sept. 23/96

28

Mr. Michael N. Hammer, Ch. Bd.,  
 Coleman Company Inc,  
 P.O. Box 1762  
 Wichita, KS,  
 U.S.A.  
 67201  
 [250M+]

March 18, 1996

[A MacAndrews & Forbes Holding Inc,]

250-T N. St. Francis Ave,

316-261-3563  
 F 316-261-3211

Info.  
 316-832-2653

Corporate Office.  
 303-202-2401

Sept 4/96  
 Talked to  
 Assistant.

Kay Wilson Sept. 23/96  
 202-2440  
 202-2440

## MANUFACTURERS' ADDRESSES

**Alpina North America**  
Box 112  
Northport, WA 99157  
(604) 367-9202

**Black & Decker**  
10 North Park Drive  
Hunt Valley, MD 21030  
(301) 683-7975

**Bunton**  
P.O. Box 33247  
4303 Poplar Level Road  
Louisville, KY 40232  
(502) 966-0550

**Deere & Company**  
John Deere Road  
Moline, IL 61265  
(309) 765-8000

**Echo, Inc.**  
400 Oakwood Rd.  
Lake Zurich, IL 60047  
(708) 540-8400

**The Green Machine**  
P.O. Box 4070  
Medford, OR 97501  
(503) 826-8900

**Hoffco**  
358 N.W. F Street  
Richmond, IN 47374  
(317) 966-8161

**Homelite**  
P.O. Box 7047  
Charlotte, NC 28273  
(704) 588-3200

**Husqvarna Forest & Garden**  
9006-J Perimeter Woods Dr.  
Charlotte, NC 28216  
(704) 597-5000

**iDC**  
Ryobi Outdoor Products  
550 N. 54th St.  
Chandler, AZ 85226  
(602) 961-0034

**Jonsered Power Products**  
1379 Jamike Ave.  
Erlanger, KY 41018  
(606) 525-9033

**Lawn Boy**  
P.O. Box 152  
Plymouth, WI 53073  
(414) 893-1011

**Maruyama**  
15436 N.E. 95th St.  
Redmond, WA 98052  
(206) 885-0811

**McCulloch**  
P.O. Box 11990  
Tucson, AZ 85734  
(602) 574-1311

**Olympyk**  
Tilton Equipment Co.  
P.O. Box 68  
Rye, NH 03870  
(603) 964-6560

**Poulan/Weed Eater**  
5020 Flournoy-Lucas Rd.  
Shreveport, LA 71129  
(318) 687-0100

**Red Max**  
1505 Pavilion Place  
Suite A  
Norcross, GA 30093  
(404) 381-5147

**Robin**  
U.S. Importer - Carswell Import &  
Marketing Assoc.  
3750 N. Liberty St.  
Winston Salem, NC 27115  
(919) 767-9432

**Ryan**  
Ryobi Outdoor Products  
550 N. 54th St.  
Chandler, AZ 85226  
(602) 961-0034

**Ryobi Outdoor Products**  
550 N. 54th St.  
Chandler, AZ 85226  
(602) 961-0034

**Sachs-Dolmar**  
Dolmar USA, Inc.  
P.O. Box 78526  
Shreveport, LA 71137  
(318) 226-0081

**Sears**  
Sears Tower  
Chicago, IL 60684

**Shindaiwa**  
11975 S.W. Herman Rd.  
Tualatin, OR 97062  
(503) 692-3070

**Snapper**  
Macon Highway  
McDonough, GA 30253  
(404) 957-9141

**Stihl**  
536 Viking Dr.  
Virginia Beach, VA 23452  
(804) 486-9100

**Tanaka**  
22322 20th Ave. S.E.  
Bothell, WA 98021  
(206) 481-2000

**Toro**  
8111 Lyndale Ave. South  
Minneapolis, MN 55420  
(612) 887-8801

**Wards**  
Montgomery Ward Plaza  
Chicago, IL 60671  
(312) 467-2624

**Western Auto**  
2107 Grand  
Kansas City, MO 64108

**Yazoo**  
P.O. Box 4449  
Jackson, MS 39296  
(601) 366-6421

## **TRACTOR MANUFACTURERS' ADDRESSES**

**ALLIS-CHALMERS**  
See Deutz-Allis

**ARIENS**  
Ariens Company  
655 West Ryan Street  
Billion, WI 54110  
(414) 756-2141

**BARON**  
See Simplicity

**BOLENS**  
Bolens  
102nd Street & 9th Avenue  
Troy, NY 12180  
(518) 235-6010

**BROADMOOR**  
See Simplicity

**CASE/INGERSOLL**  
Ingersoll Equipment Co., Inc.  
122 South 4th Street  
Winneconne, WI 54986  
(414) 582-7001

**CHARGER**  
See Wheel Horse

**COMMANDO**  
See Wheel Horse

**CUB CADET**  
Cub Cadet Corp.  
P.O. Box 360930  
Cleveland, OH 44136  
(216) 273-4550

**DEUTZ-ALLIS**  
Deutz-Allis Lawn & Garden Equip.  
500 North Spring Street  
Port Washington, WI 53074  
(414) 284-8669

**ENGINEERING PRODUCTS**  
Engineering Products Co.  
P.O. Box 1510  
Waukesha, WI 53187  
(414) 785-0786

**INTERNATIONAL HARVESTER**  
See Cub Cadet

**JACOBSEN**  
Jacobsen, Division of Textron, Inc.  
1721 Packard Avenue  
Racine, WI 53403  
(414) 637-6711

**JIM DANDY**  
See Engineering Products

**KUBOTA**  
Kubota Tractor Corp.  
550 W. Artesia Blvd.  
Compton, CA 90220  
(213) 537-2531

**JOHN DEERE**  
Deere & Company  
John Deere Road  
Moline, IL 61265  
(309) 765-4899

**FORD**  
Ford New Holland, Inc.  
500 Diller Avenue  
New Holland, PA 17557  
(717) 354-1112

**GILSON**  
Lawn-Boy, Inc.  
P.O. Box 152  
Plymouth, WI 53073  
(414) 893-1011

**GRAVELY**  
Gravely International, Inc.  
One Gravely Lane  
Clemmons, NC 27012  
(919) 766-7545

**HOMESTEADER**  
See Deutz-Allis

**HONDA**  
American Honda Motor Co., Inc.  
4475 River Green Parkway  
P.O. Box 100020  
Duluth, GA 30136  
(404) 497-6000

**LANDLORD**  
See Simplicity

**LAWN RANGER**  
See Wheel Horse

**MTD**  
MTD Products, Inc.  
P.O. Box 360900  
Cleveland, OH 44136  
(216) 225-0896

**MURRAY**  
Murray Ohio Mfg. Co.  
P.O. Box 268  
Brentwood, TN 37027  
(615) 373-6500

**POWER KING**  
See Engineering Products

**RAIDER**  
See Wheel Horse

**RANGER**  
See Wheel Horse

**SERF**  
See Simplicity

**SIMPLICITY**  
Simplicity Manufacturing Co.  
500 North Spring Street  
Port Washington, WI 53074  
(414) 284-8669

**SNAPPER**  
Snapper  
535 Macon Highway  
McDonough, GA 30253  
(404) 957-9141

**SOVEREIGN**  
See Simplicity

**SPECIAL**  
See Engineering Products

**SPEEDEX**  
Speedex Tractor Co.  
367 North Freedom Street  
Ravenna, OH 44266  
(216) 297-1484

**WESTERN AUTO**  
Western Auto  
2107 Grand  
Kansas City, MO 64108  
(816) 346-4000

**WHEEL HORSE**  
Toro and Wheel Horse  
8111 Lyndale Avenue South  
Minneapolis, MN 55420  
(612) 888-8801

**WHITE**  
White Outdoor Products  
P.O. Box 361131  
Cleveland, OH 44136  
(216) 273-5272

**WIZARD**  
See Western Auto

**WORK HORSE**  
See Wheel Horse

**YARD-MAN**  
See MTD

**YEOMAN**  
See Simplicity

## **ENGINE MANUFACTURERS' ADDRESSES**

**BRIGGS & STRATTON**  
Briggs & Stratton Corp.  
P.O. Box 702  
Milwaukee, WI 53201  
(414) 259-5333

**HONDA**  
See Honda Under Tractor Manufacturers' Addresses

**KAWASAKI**

Kawasaki Motors Corp.  
USA Engine Division  
P.O. Box 504, 650 Industrial Circle  
Station  
Shakopee, MN 55379  
(612) 445-6060

**KOHLER**

Kohler Co., Engine Div.  
444 Highland Drive  
Kohler, WI 53044  
(414) 457-4441

**KUBOTA**

Kubota Engine Div.  
1300 Remington Road  
Schaumburg, IL 60173  
(708) 884-0212

**ONAN**

Onan Corp.  
1400 73rd Ave. N.E.  
Minneapolis, MN 55432  
(612) 574-5000

**TECUMSEH**

Tecumseh Products Co.,  
Engine & Transmission Group  
900 North Street  
Grafton, WI 53024  
(414) 377-4485

**WISCONSIN**

Teledyne Total Power  
3409 Democrat Road  
Memphis, TN 38181  
(901) 365-3600

**TRANSMISSION  
MANUFACTURERS' ADDRESSES****EATON**

Eaton Corp.  
15151 Highway 5  
Eden Prairie, MN 55344  
(612) 937-7131

**HYDRO-GEAR**

Hydro-Gear, Inc.  
P.O. Box 530  
Sullivan, IL 61951  
(217) 728-7665

**KANZAKI**

Tuff Torq Corp.  
5943 Commerce Blvd.  
Morristown, TN 37814  
(615) 585-2000

**MTD**

See MTD Under Tractor  
Manufacturers' Addresses

**PEERLESS**

Tecumseh Products Co.,  
Engine & Transmission Group  
900 North Street  
Grafton, WI 53024  
(414) 377-4485

**SIMPLICITY**

See Simplicity Under Tractor  
Manufacturers' Addresses

**SPICER (FOOTE)**

Spicer Off-Highway Axle,  
Division of Dana  
P.O. Box 2424  
Fort Wayne, IN 46801

**SUNDSTRAND**

Sauer-Sundstrand  
2800 E. 13th Street  
Ames, IA 50010  
(515) 239-6000

**WHEEL HORSE**

See Wheel Horse Under Tractor  
Manufacturers' Addresses

# Small Air-Cooled Engine 1990 - 1994

## SERVICE MANUAL ■ 1ST EDITION

This comprehensive service manual provides detailed information on how to operate, maintain and repair small air-cooled engines produced from 1990 through 1994 as well as some earlier models not covered in the *Small Air-Cooled Engine Service Manual, SES-17*. Hundreds of exploded views and illustrations guide you through complete adjustment and repair processes for small air-cooled engines (both 2- and 4-stroke) with less than 15 cubic inch (245cc) displacement.

The following manufacturers of small air-cooled engines are covered:

- |                     |             |                   |
|---------------------|-------------|-------------------|
| ■ Acme              | ■ Kawasaki  | ■ Tanaka          |
| ■ Briggs & Stratton | ■ Kohler    | ■ Tecumseh        |
| ■ Craftsman         | ■ Lawn Boy  | ■ Toro            |
| ■ Homelite          | ■ Shindaiwa | ■ Wisconsin Robin |
| ■ Honda             | ■ Stihl     | ■ Yamaha          |

Intertec Publishing Corporation continues to serve the book and magazine publishing industry after more than 100 years. Its book division produces a full-line of service manuals for the experienced mechanic and skilled do-it-yourselfer. And with more than 40 years expertise in service information, you can trust that Intertec's manuals are accurate and professionally written. For comprehensive maintenance and repair coverage, rely on Intertec—the world's finest publisher of mechanical how-to manuals.

In addition to small air-cooled engines, Intertec manuals cover a variety of power equipment and vehicles. Topics include:

- |                               |                           |                         |
|-------------------------------|---------------------------|-------------------------|
| ■ Boat Motors & Drives        | ■ Motorcycles             | ■ Recreational Vehicles |
| ■ Gasoline and Diesel Engines | ■ Outdoor Power Equipment | ■ Snowmobiles           |
| ■ Lawn and Garden Tractors    | ■ Personal Watercraft     |                         |

1995

P.O. Box 12901 ■ Overland Park, KS 66282-2901

**INTERTEC**  
PUBLISHING



024185856900

0-87288-569-0



# SMALL AIR-COOLED ENGINES

Updated and expanded, this edition of our most popular manual provides comprehensive maintenance and repair information for engines that power most outdoor equipment, including lawn mowers, sprayers, tillers, mixers and much more.

This comprehensive service manual provides information on over 30 different manufacturers (over 500 basic model types) and hundreds of variations of air-cooled engines with under 15 cubic inch displacement (both 2- and 4-stroke). Also included is a 28-page introductory section on engine fundamentals that provides servicing principles on engine operation, carburetor, ignition system and troubleshooting. A special "service shop tool buyers guide" lists small engine tool distributors and repair parts distributors in the United States.

The following popular brands of engines are covered:

Acme	Husqvarna	Power Products
Advanced Engine Products	Jacobsen	Sachs
Briggs & Stratton	Kawasaki	Sachs-Dolmar
Chrysler	Kioritz-Echo	Shindaiwa
Clinton	Kohler	Solo
Cox	Lauson	Stihl
Continental	McCulloch	Tecumseh
Craftsman	O&R	West Bend
Deco-Grand	Olympyk	Wisconsin
Homelite	Onan	Wisconsin Robin
Honda	Power Bee	

This is a complete manual on small engine servicing from a publisher with over 40 years expertise in maintenance and repair information. Whether a yard and garden tractor...small engine...lawn mower...chain saw...outboard motor...farm tractor...snowmobile...recreational vehicle or one of a dozen other types of equipment, you can be sure the information is accurate, comprehensive and professionally written and presented when you use a manual from Intertec Publishing Corp.

**Manuals by Intertec Publishing Corp.**

P.O. Box 12901, Overland Park, KS 66282-2901

1992

Cat. No. SES-17  
ISBN: 0-87288-489-9



024185848998

# Riding Lawn Mower

## SERVICE MANUAL ■ 4TH EDITION

This comprehensive manual provides detailed information on how to maintain and repair riding lawn mowers. Hundreds of exploded views and illustrations guide you through the complete adjustment and repair process.

The following manufacturers of riding lawn mowers are covered:

- |                  |                     |                           |                   |
|------------------|---------------------|---------------------------|-------------------|
| ■ AGCO-ALLIS     | ■ Deutz-Allis       | ■ Hustler                 | ■ Ride King       |
| ■ Allis-Chalmers | ■ Dixon ZTR         | ■ International Harvester | ■ Roper           |
| ■ AMF            | ■ Dynamark          | ■ Jacobsen                | ■ Sears-Craftsman |
| ■ Ariens         | ■ Ford              | ■ Massey-Ferguson         | ■ Simplicity      |
| ■ Bolens         | ■ Gilson            | ■ Maxim                   | ■ Snapper         |
| ■ Case/Ingersoll | ■ Gravely           | ■ MTD                     | ■ Wards           |
| ■ Columbia       | ■ Homelite          | ■ Murray                  | ■ Wheel Horse     |
| ■ Cub Cadet      | ■ Homelite/Jacobsen | ■ Mustang                 | ■ White           |
| ■ John Deere     | ■ Honda             | ■ J.C. Penney             | ■ Wizard          |

Intertec Publishing Corporation continues to serve the book and magazine publishing industry after more than 100 years. Its book division produces a full-line of service manuals for the experienced mechanic and skilled do-it-yourselfer. And with more than 40 years expertise in service information, you can trust that Intertec's manuals are accurate and professionally written. For comprehensive maintenance and repair coverage, rely on Intertec—the world's finest publisher of mechanical how-to manuals.

In addition to riding lawn mowers, Intertec manuals cover a variety of power equipment and vehicles. Topics include:

- |                               |                           |                         |
|-------------------------------|---------------------------|-------------------------|
| ■ Boat Motors & Drives        | ■ Motorcycles             | ■ Recreational Vehicles |
| ■ Gasoline and Diesel Engines | ■ Outdoor Power Equipment | ■ Snowmobiles           |
| ■ Lawn and Garden Tractors    | ■ Personal Watercraft     |                         |

1993



P.O. Box 12901 ■ Overland Park, KS 66282-2901

**INTERTEC**  
PUBLISHING

0-87288-525-9

# **YARD & GARDEN TRACTOR**

**single-cylinder models**

**service manual**

This comprehensive service manual provides maintenance and repair information for popular single-cylinder yard and garden tractors. Hundreds of exploded views, detailed photographs and illustrations, along with easy-to-follow instructions, guide you through most servicing procedures.

Tractor coverage includes the following brands:

Allis-Chalmers	Engineering	Kubota	Sovereign
Ariens	Products Co.	Landlord	Special
Baron	Ford	Lawn Ranger	Speedex
Bolens	Gilson	MTD	Western Auto
Broadmoor	Gravely	Murray	Wheel Horse
Case/Ingersoll	Homesteader	Power King	White
Cub Cadet	Honda	Raider	Wizard
Jim Dandy	International	Serf	Work Horse
John Deere	Harvester	Simplicity	Yard-Man
Deutz-Allis	Jacobsen	Snapper	Yeoman

The engine section includes the following manufacturers:

Briggs & Stratton	Kawasaki	Kubota	Tecumseh
Honda	Kohler	Onan	Wisconsin

This is a complete manual on yard and garden tractor servicing from a publisher with over 40 years expertise in maintenance and repair information. Whether a yard and garden tractor...small engine...lawn mower...chain saw...outboard motor...farm tractor...snowmobile...recreational vehicle or one of a dozen other types of equipment, you can be sure the information is accurate, comprehensive and professionally written and presented when you use a manual from Intertec Publishing Corp.



**Manuals by Intertec Publishing Corp.**

P.O. Box 12901, Overland Park, KS 66282-2901

1992

**Cat. No. YGT1-1**  
**ISBN: 0-87288-468-6**



024185846864

# WALK-BEHIND LAWN MOWER

This comprehensive service manual provides information on everything you need to know to tear down, repair, reassemble and adjust most popular walk-behind lawn mowers. Hundreds of exploded views and illustrations guide you through complete adjustment and repair processes.

Selections feature engine operating principles, mower familiarization, engine identification, starting and operation, problems and remedies, a troubleshooting chart, routine maintenance, engine service, self-propelled drive systems and blade brake clutches.

Coverage includes walk-behind lawn mowers made by the following manufacturers:

Ace	Duetz-Allis	King O' Lawn	Sensation
Aircap	Dynamark	Lawn Boy	Simplicity
Allis-Chalmers	Ford	Lawn Chief	Snapper
Ariens	Gilson	Mastercut	Southland
Atlas	Homelite	Mono	Toro
Bolens	Honda	MTD Lawnflite	Wards
Bunton/Goodall	Husqvarna	Murray	White
Craftsman	International	Parmi	Yardman
Cub Cadet	Harvester	J.C. Penney	
John Deere	Jacobsen	Roper	

Engine coverage includes:

Briggs & Stratton	Honda	Kubota	Tecumseh
Clinton	Jacobsen	Lawn Boy	Toro
Craftsman	Kawasaki	Sachs	

This is truly a complete manual on walk-behind lawn mower servicing, from a publisher with 40 years expertise in maintenance and repair information. Whether a lawn mower...chain saw...small engine...outboard motor...farm tractor...snowmobile...diesel engine or one of a dozen other types of equipment, you can be sure the information is accurate, comprehensive and professionally written and presented when you use a manual from Intertec Publishing Corp.



**Manuals by Intertec Publishing Corp.**

P. O. Box 12901, Overland Park, KS 66212

1991



024185827214

# Large Air-Cooled Engine Through 1992

## SERVICE MANUAL ■ 1ST EDITION

This comprehensive manual provides detailed information on how to maintain and repair large air-cooled engines produced from 1989 through 1992, as well as some earlier models not covered in the *Large Air-Cooled Engine Service Manual, Volume 1*. Hundreds of exploded views and illustrations guide you through complete adjustment and repair processes for one-, two- and four-cylinder large air-cooled engines with 15 cubic inch (245cc) displacement and over.

The following manufacturers of large air-cooled engines are covered:

- |                     |            |                   |
|---------------------|------------|-------------------|
| ■ Acme              | ■ Kawasaki | ■ Tecumseh        |
| ■ Briggs & Stratton | ■ Kohler   | ■ Wisconsin       |
| ■ Craftsman         | ■ Onan     | ■ Wisconsin Robin |
| ■ Honda             |            |                   |

Intertec Publishing Corporation continues to serve the book and magazine publishing industry after more than 100 years. Its book division produces a full-line of service manuals for the experienced mechanic and skilled do-it-yourselfer. And with more than 40 years expertise in service information, you can trust that Intertec's manuals are accurate and professionally written. For comprehensive maintenance and repair coverage, rely on Intertec—the world's finest publisher of mechanical how-to manuals.

In addition to large air-cooled engines, Intertec manuals cover a variety of power equipment and vehicles. Topics include:

- |                               |                           |                         |
|-------------------------------|---------------------------|-------------------------|
| ■ Boat Motors & Drives        | ■ Motorcycles             | ■ Recreational Vehicles |
| ■ Gasoline and Diesel Engines | ■ Outdoor Power Equipment | ■ Snowmobiles           |
| ■ Lawn and Garden Tractors    | ■ Personal Watercraft     |                         |

1994

P.O. Box 12901 ■ Overland Park, KS 66282-2901

**INTERTEC**  
PUBLISHING



024185852322

0 87288 523-2

# Chain Saw

## SERVICE MANUAL ■ 9TH EDITION

This comprehensive manual provides detailed information on how to maintain and repair chain saws. Hundreds of exploded views and illustrations guide you through the complete adjustment and repair process.

The following popular brands of chain saws are covered:

- |                  |                     |                   |                |
|------------------|---------------------|-------------------|----------------|
| ■ Allis-Chalmers | ■ The Green Machine | ■ Olympyk         | ■ Remington    |
| ■ Alpina         | ■ Homelite          | ■ Partner         | ■ Roper        |
| ■ Castor         | ■ Husqvarna         | ■ Pioneer         | ■ Sachs-Dolmar |
| ■ Clinton        | ■ Jonsered          | ■ Pioneer/Partner | ■ Shindaiwa    |
| ■ Danarm         | ■ Lombard           | ■ Poulan          | ■ Solo         |
| ■ John Deere     | ■ Massey-Ferguson   | ■ ProKut          | ■ Stihl        |
| ■ Echo           | ■ McCulloch         | ■ RedMax          | ■ Tanaka       |
| ■ Frontier       |                     |                   |                |

Intertec Publishing Corporation continues to serve the book and magazine publishing industry after more than 100 years. Its book division produces a full-line of service manuals for the experienced mechanic and skilled do-it-yourselfer. And with more than 40 years expertise in service information, you can trust that Intertec's manuals are accurate and professionally written. For comprehensive maintenance and repair coverage, rely on Intertec—the world's finest publisher of mechanical how-to manuals.

In addition to chain saws, Intertec manuals cover a variety of power equipment and vehicles. Topics include:

- |                               |                           |                         |
|-------------------------------|---------------------------|-------------------------|
| ■ Boat Motors & Drives        | ■ Motorcycles             | ■ Recreational Vehicles |
| ■ Gasoline and Diesel Engines | ■ Outdoor Power Equipment | ■ Snowmobiles           |
| ■ Lawn and Garden Tractors    | ■ Personal Watercraft     |                         |

1993

P.O. Box 12901 ■ Overland Park, KS 66282-2901

**INTERTEC**  
PUBLISHING



0-87288-521-6

# String Trimmer and Blower

## SERVICE MANUAL ■ 2ND EDITION

This comprehensive service manual provides detailed information on how to operate, maintain and repair string trimmers and blowers. Hundreds of exploded views and illustrations guide you through the complete adjustment and repair process.

The following manufacturers of electric and gasoline powered string trimmers and blowers are covered:

- |                  |             |                   |                |                |
|------------------|-------------|-------------------|----------------|----------------|
| ■ Alpina         | ■ Homelite  | ■ McCulloch       | ■ Ryobi        | ■ Tanaka (TAS) |
| ■ Black & Decker | ■ Husqvarna | ■ Olympek         | ■ Sachs-Dolmar | ■ Toro         |
| ■ Bunton         | ■ IDC       | ■ Pioneer/Partner | ■ Sears        | ■ TML (Trail)  |
| ■ John Deere     | ■ Jonsered  | ■ Poulan          | ■ Shindaiwa    | ■ Wards        |
| ■ Echo           | ■ Kaaz      | ■ Redmax          | ■ SMC          | ■ Weed Eater   |
| ■ Elliot         | ■ Lawn Boy  | ■ Robin           | ■ Snapper      | ■ Western Auto |
| ■ Green Machine  | ■ Maruyama  | ■ Roper/Rally     | ■ Stihl        | ■ Yard Pro     |
| ■ Hoffco         |             | ■ Ryan            |                | ■ Yazoo        |

Specific repair instructions for string trimmer and blower gasoline engines are covered for the following manufacturers:

- |              |             |                              |                |                |
|--------------|-------------|------------------------------|----------------|----------------|
| ■ John Deere | ■ Husqvarna | ■ Komatsu                    | ■ Poulan       | ■ Tanaka (TAS) |
| ■ Echo       | ■ IDC       | ■ McCulloch                  | ■ Sachs-Dolmar | ■ Tecumseh     |
| ■ Efco       | ■ Kawasaki  | ■ Mitsubishi                 | ■ Shindaiwa    | ■ TML (Trail)  |
| ■ Fuji       | ■ Kioritz   | ■ Piston Powered<br>Products | ■ Stihl        |                |
| ■ Homelite   |             |                              |                |                |

Intertec Publishing Corporation continues to serve the book and magazine publishing industry after more than 100 years. Its book division produces a full-line of service manuals for the experienced mechanic and skilled do-it-yourselfer. And with more than 40 years expertise in service information, you can trust that Intertec's manuals are accurate and professionally written. For comprehensive maintenance and repair coverage, rely on Intertec—the world's finest publisher of mechanical how-to manuals.

In addition to string trimmers and blowers, Intertec manuals cover a variety of power equipment and vehicles. Topics include:

- |                               |                           |                            |
|-------------------------------|---------------------------|----------------------------|
| ■ Boat Motors & Drives        | ■ Motorcycles             | ■ Recreational<br>Vehicles |
| ■ Gasoline and Diesel Engines | ■ Outdoor Power Equipment | ■ Snowmobiles              |
| ■ Lawn and Garden Tractors    | ■ Personal Watercraft     |                            |

1992

P.O. Box 12901 ■ Overland Park, KS 66282-2901

**INTERTEC**  
PUBLISHING



024185850892

0-87288-508-9

# SNOWTHROWER

This comprehensive service manual provides maintenance and repair information for the snowthrower engine and chassis. Hundreds of exploded views and illustrations, along with easy-to-follow instructions, guide you through the entire repair process.

The following brands of snowthrowers are covered:

Aircap Snow Champ	Ford	Noma
Atlas	Gilson	J.C. Penney
Bolens	Homelite/Jacobsen	Snapper
Craftsman	Honda	Toro
Crary Bearcat	International Harvester	Troy-Bilt
Cub Cadet	Lawn-Boy	White
John Deere	MTD	Yard-Man
Deutz-Allis	Montgomery Ward	

The Snowthrower service manual covers the following engines:

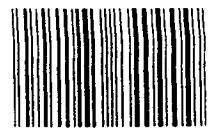
Briggs & Stratton	Jacobsen
Honda	Tecumseh

This is truly a complete manual on snowthrower servicing, from a publisher with over 40 years expertise in maintenance and repair information. Whether a snowthrower... small engine... outboard motor... lawn mower... farm tractor... recreational vehicle... diesel engine... or one of a dozen other types of equipment, you can be sure the information is accurate, comprehensive and professionally written and presented when you use a manual from Intertec Publishing Corp.

**Manuals by Intertec Publishing Corp.**

P. O. Box 12901, Overland Park, KS 66212

1990



024185840909



# ROTARY TILLER

This comprehensive service manual provides maintenance and repair information for over 240 popular models of rotary tillers. Hundreds of exploded views and illustrations, along with step-by-step instructions, guide you through the entire repair process.

Covers these manufacturers:

Ariens  
Atlas  
BCS  
Clinton  
John Deere  
Feldmann  
Ford  
Gilson  
Haban

Hoffco  
Homelite  
Honda  
International  
Kubota  
Lazy Boy  
Merry  
Mighty Mac  
MTD

Murray  
J.C. Penney  
Roper  
Roto-Hoe  
Sears  
Snapper  
Troy-Bilt  
Wards  
Wheel Horse  
White

Engine service section includes:

Acme  
BCS  
Briggs & Stratton

Clinton  
Honda  
Kawasaki  
Kohler

Kubota  
Lombardini  
Tecumseh  
Wisconsin Robin

This is truly a complete manual on rotary tiller servicing, from a publisher with over 40 years expertise in maintenance and repair information. Whether a rotary tiller . . . small engine . . . lawn mower . . . chain saw . . . outboard motor . . . farm tractor . . . snowmobile . . . recreational vehicle or one of a dozen other types of equipment, you can be sure the information is accurate, comprehensive and professionally written and presented when you use a manual from Intertec Publishing Corp.

**Manuals by Intertec Publishing Corp.**

P. O. Box 12901, Overland Park, KS 66212

RTS-3  
ISBN:0-87288-353-1



# FORM D

## UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

### FORM D

#### NOTICE OF SALE OF SECURITIES PURSUANT TO REGULATION D, SECTION 4(6), AND/OR UNIFORM LIMITED OFFERING EXEMPTION

OMB APPROVAL	
OMB Number:	3235-0076
Expires:	November 30, 2001
Estimated average burden hours per response	16.00

SEC USE ONLY	
Prefix	Serial
DATE RECEIVED	

Name of Offering (check if this is an amendment and name has changed, and indicate change.)

Rocklin Corporation - Common Stock

Filing Under (check boxes) that apply: ☒ Rule 504 ☐ Rule 505 ☐ Rule 506 ☐ Section 4(6) ☐ ULOE

Type of Filing: ☒ New Filing ☐ Amendment

#### A. BASIC IDENTIFICATION DATA

I. Enter the information requested about the issuer.

Name of Issuer (check if this is an amendment and name has changed, and indicate change.)

Rocklin Corporation

Address of Executive Offices (Number and Street, City, State, Zip Code)	Telephone Number (Including Area Code)
<u>3471 Sinnicks Ave, Niagra Falls, Ont. Canada L2J2G6</u>	<u>905-354-2543</u>

Address of Principal Business Operations (Number and Street, City, State, Zip Code) (if different from Executive Offices)	Telephone Number (Including Area Code)

Brief Description of Business

Development of fuel efficient, low emission, small engines.

Type of Business Organization

☒ corporation ☐ limited partnership, already formed ☐ other (please specify):  
☐ business trust ☐ limited partnership, to be formed

Actual or Estimated Date of Incorporation or Organization: Month 02 Year 99 ☒ Actual ☐ Estimated

Jurisdiction of Incorporation or Organization: (Enter two-letter U.S. Postal Service abbreviation for State: DE  
CN for Canada; FN for other foreign jurisdiction)

#### GENERAL INSTRUCTIONS

##### Federal:

**Who Must File:** All issuers making an offering of securities in reliance on an exemption under Regulation D or Section 4(6), 17 CFR 230.501 et seq. or 15 U.S.C. 77d(6).

**When To File:** A notice must be filed no later than 15 days after the first sale of securities in the offering. A notice is deemed filed with the U.S. Securities and Exchange Commission (SEC) on the earlier of the date it is received by the SEC at the address given below or, if received at that address after the date on which it is due, on the date it was mailed by United States registered or certified mail to that address.

**Where to File:** U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

**Copies Required:** Five (5) copies of this notice must be filed with the SEC, one of which must be manually signed. Any copies not manually signed must be photocopies of the manually signed copy or bear typed or printed signatures.

**Information Required:** A new filing must contain all information requested. Amendments need only report the name of the issuer and offering, any changes thereto, the information requested in Part C, and any material changes from the information previously supplied in Parts A and B. Part E and the Appendix need not be filed with the SEC.

**Filing Fee:** There is no federal filing fee.

##### State:

This notice shall be used to indicate reliance on the Uniform Limited Offering Exemption (ULOE) for sales of securities in those states that have adopted ULOE and that have adopted this form. Issuers relying on ULOE must file a separate notice with the Securities Administrator in each state where sales are to be, or have been made. If a state requires the payment of a fee as a precondition to the claim for the exemption, a fee in the proper amount shall accompany this form. This notice shall be filed in the appropriate states in accordance with state law. The Appendix to the notice constitutes a part of this notice and must be completed.

#### ATTENTION

**Failure to file notice in the appropriate states will not result in a loss of the federal exemption. Conversely, failure to file the appropriate federal notice will not result in a loss of an available state exemption unless such exemption is predicated on the filing of a federal notice.**

Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

**ROCKLIN CORPORATION**  
**3471 SINNICKS AVE.**  
**NIAGARA FALLS, ONTARIO L2J 2G6**  
**CANADA**  
**905-354-2543**

**INFORMATION REQUIREMENTS STATEMENT**  
**Rule 15c2-11(a)(5) under the Securities Exchange act of 1934**  
**at December 5, 2002**

**1. Company name:** The Company's legal name is Rocklin Corporation. The Company was originally incorporated on February 22, 1999 under the name of Advo Systems, Inc. The Company name was changed to Rocklin Corporation on October 1, 2001.

**2. Principal Executive Office:** As of the date of this Statement, the principal executive office of the Company is located at: 3471 SINNICKS AVE, NIAGARA FALLS, ONTARIO L2J 2G6, CANADA

**3. State of Incorporation:** Delaware, USA on February 22, 1999.

**4. Title and Class of Outstanding Securities:** Common Stock. These are "domestic securities" for purposes of form 211.

**5. Par or Stated Value:** 75,000,000 shares of Common Stock. \$.001 par value per share.

**6. Number of Shares Outstanding:** At December 5, 2002, the Company had 23,837,000 shares issued and outstanding to 50 shareholders. 22,200,000 of these bear restrictive legends under Rule 144. 1,637,000 are shares issued in a 504 D public offering and bear no restrictive legends. 3,837,000 shares are owned by non-affiliates.

**7. Transfer Agent:** Signature Stock Transfer, Inc.  
One Preston Park  
2301 Ohio Drive #100  
Plano, TX 75093  
972-612-4120

**8. Company Business:** Rocklin Corporation has recently acquired U.S. patent # 5,542,398 and Canada Patent # 2,174,975 from their inventor and Rocklin's President, CEO and COB, Robert V. Marcon. The Company's purpose is to develop, market and sell the exclusive technologies contained in these two patents. The patents are for a proprietary propane delivery system and engine especially designed for the 25 and under horsepower category of engines. This would be engines with an output of 25 HP (horsepower) or less which would power such consumer goods as golf carts, scooters, generators, pressure washers, lawn mowers, trimmers, chainsaws, inter alia. Rocklin's technologies provide for an improved operating fuel, fuel system and fuel tank for use in small internal combustion engines. The benefits of these technologies include a greatly reduced level of greenhouse gas emissions when used in smaller engines, as well as reduced waste, as these new technologies will allow for greater spark plug life and greater time intervals between oil changes. Management believes that these new technologies will also allow for engines to be manufactured at a reduced cost relative to today's gasoline-powered engines.

**9. Company Product:** Rocklin Corporation will not be manufacturing any "final" or finished consumer products, such as the entire golf cart, pressure washer or lawn mower. Rather, it will do a combination of a) licensing of its proprietary technology to engine manufacturers (such as Briggs and Stratton, Tecumseh Products Co. or Kawasaki); and b) outsourcing the manufacturing of both the propane delivery system and the entire engine itself and deliver the finished engines to corporations such as Campbell-Hausfeld and Troy-Bilt which install other companies' engines into their finished generators or lawn mowers, etc.

**10. Company Facilities:** The Company's headquarters are located at: 3471 SINNICKS AVE, NIAGARA FALLS, ONTARIO L2J 2G6, CANADA. The address is of a house owned by the Company President's, Mr. Marcon, family, in which the Company has an office leased from the Marcon family for no cost.

Management intends to eventually secure an administrative office but only after the engine has been fully designed, tested and certified and ready to be tendered to prospective manufacturers. Management feels that most administrative tasks to be done up to that point can be done with the current premises and prefers to conserve on funds until that time.

Management also intends to secure sufficient research facilities to further its technological and other research initiatives but only after the Company begins selling its products profitably. Such facilities will only be financed from profits generated and not debt. In this way, the Company's financial foundation will be much stronger and less susceptible to market conditions.

**11. Chief Executive Officer and Board Members:** Robert Marcon is the President, Chief Executive Officer as well as the Chairman of the Board of Directors. The other directors on the board are V. Dennis Hare and Richard John Smythe.

**12. Current Year Financial Statements:** Audited financial statements for the fiscal year ended June 30, 2002 and unaudited interim period ending September 30, 2002 are attached.

**13. Prior Year Financial Statements:** Audited financial statements for the fiscal year ended June 30, 2001 are attached. The Company was incorporated on February 22, 1999 and does not have financials prior to that.

**14. Brokers and Dealers:** At the date hereof, the registered securities broker-dealers identified below have indicated to the Company an intention to make a market in, or to submit quotations for, the Company's Common Stock. None of the firms or the persons associated therewith are known by management to have an affiliation with the Company.

BOB HURD  
J. ALEXANDER SECURITIES  
523 WEST 6TH STREET SUITE 606  
LOS ANGELES, CA  
213-687-8400

**15. Share Price Quotations:** No quotation of a bid or asked price on the Company's Common Stock has been submitted by or published on behalf of any securities broker-dealer, to the knowledge of management.

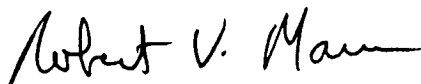
**16. Share Price Quotations:** No quotation of a bid or asked price on the Company's Common Stock has been submitted by or published on behalf of the issuer, or any director, officer or any person, directly or indirectly the beneficial owner of more than 10 percent of the outstanding units or shares of any equity security of the issuer, to the knowledge of management.

#### **CERTIFICATION**

The undersigned executive officer of the Company hereby certifies that he has read all of the items of this form and that, to the best of such officer's knowledge, such information is accurate and complete.

DATED: December 5, 2002

ROCKLIN CORPORATION



By: ROBERT V. MARCON, PRESIDENT

## INDEPENDENT AUDITORS' REPORT

To the Board of Directors  
Rocklin Corporation  
3471 Sinnicks Ave.  
Niagara Falls, Ontario L2J 2G6  
CANADA

We have audited the accompanying balance sheet of Rocklin Corporation as of June 30, 2002, and the related statements of operations, stockholders' equity (deficit), and cash flows for each of the two years then ended and for the period from February 22, 1999 (Inception) through June 30, 2002. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Rocklin Corporation as of June 30, 2002, and the results of its operations and its cash flows for each of the two years then ended and for the period from February 22, 1999 (Inception) through June 30, 2002, in conformity with accounting principles generally accepted in the United States of America.

Malone & Bailey, PLLC  
Houston, Texas  
[www.malone-bailey.com](http://www.malone-bailey.com)

July 29, 2002

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-22 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Old Dutch". This information has been obtained from the U.S. Patent and Trademark Office.

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 ( Use the "Back" button of the Internet Browser to return to TESS)
**Old Dutch****Word Mark** OLD DUTCH
**Goods and Services** IC 001 005 029 030 031 032. US 046. G & S: CHEESE-FLAVORED POPCORN, CARAMEL POPCORN, [ UNPOPPED POPCORN, CHOW MEIN NOODLES, ] FRIED PORK SKINS, [ CANDY, PICKLES, MUSTARD, ] SHELLS SALTED NUTS, AND PROCESSED POTATOES, CORN, CORN MEAL AND CEREALS MANUFACTURED INTO SNACK FOODS OF VARYING SHAPES AND FORMS, namely, CHIP FORMS, FLAKE FORMS, CONICAL FORMS, CURL FORMS AND GENERALLY GLOBULAR FORMS. FIRST USE: 19371100. FIRST USE IN COMMERCE: 19371100
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM**Serial Number** 72265255**Filing Date** February 23, 1967**Current Filing Basis** 1A**Original Filing Basis** 1A**Registration Number** 0870965**Registration Date** June 10, 1969**Owner** (REGISTRANT) OLD DUTCH FOODS, INC. CORPORATION MINNESOTA 2375 TERMINAL ROAD ST. PAUL MINNESOTA 55113**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Scott W. Johnston**Prior Registrations** 0648659**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECTION 8(10-YR) 20090523.**Renewal** 2ND RENEWAL 20090523
**Other Data** REGISTRATION LIMITED TO THAT AREA OF THE UNITED STATES EXCLUDING THEREFROM THE STATES OF OHIO, PENNSYLVANIA, NEW YORK, WEST VIRGINIA, KENTUCKY AND INDIANA; AND NOW, THEREFORE, IT IS ORDERED THAT SAID REGISTRATION BE, AND THE SAME HEREBY IS, RESTRICTED BY EXCLUDING THEREFROM THE STATES OF OHIO, PENNSYLVANIA, NEW YORK, WEST VIRGINIA, KENTUCKY AND INDIANA IN ACCORDANCE WITH THE PROVISIONS OF SECTION 18 OF THE TRADEMARK ACT OF 1946.
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<b>Word Mark</b>	OLD DUTCH
<b>Goods and Services</b>	IC 030. US 046. G & S: BEVERAGES, NAMELY COFFEE. FIRST USE: 19470000. FIRST USE IN COMMERCE: 19470000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76503243
<b>Filing Date</b>	April 3, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 2, 2003
<b>Registration Number</b>	2816720
<b>Registration Date</b>	February 24, 2004
<b>Owner</b>	(REGISTRANT) LIMERICK TEA & COFFEE USA, L.P. BALCARIS TEA & COFFEE USA, INC., a Delaware corporation LIMITED PARTNERSHIP NEW JERSEY 1325 Avenue of the Americas, 17th Floor New York NEW YORK 10017
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Valerie Verret, Esq.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-23 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Spitfire".  
This information has been obtained from the U.S. Patent and Trademark  
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### Typed Drawing

<b>Word Mark</b>	SPITFIRE
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: safety eyewear, namely, spectacles, frames and lenses. FIRST USE: 19980528. FIRST USE IN COMMERCE: 19980528
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75243875
<b>Filing Date</b>	February 18, 1997
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	January 6, 1998
<b>Registration Number</b>	<b>2211696</b>
<b>Registration Date</b>	December 15, 1998
<b>Owner</b>	(REGISTRANT) Uvex Safety, Inc. CORPORATION RHODE ISLAND 10 Thurber Boulevard Smithfield RHODE ISLAND 029171896
	(LAST LISTED OWNER) SPERIAN EYE & FACE PROTECTION, INC. CORPORATION DELAWARE 900 DOUGLAS PIKE SMITHFIELD RHODE ISLAND 029171874
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	ELLIOT A SALTER
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090103.
<b>Renewal</b>	1ST RENEWAL 20090103
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**Typed Drawing****Word Mark** SPITFIRE

**Goods and Services** IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper goods and printed matter, namely, [ books in the field of skateboarding and snowboarding; address books; address labels; children's activity books; stamp and coin albums; coloring books; art books; coffee table books in the field of skateboarding and snowboarding; cookbooks; notebooks; calendars; ] stationery type portfolios; [ magazines in the field of skateboarding and snowboarding; personal journals; newsletters in the field of skateboarding and snowboarding; newspapers in the field of skateboarding and snowboarding; blotters; book covers; cardboard containers; scrapbook albums; photograph albums; trading card collector albums; decorative rubber stamps; ] decals; [ diaries; paper doorknob hangers; identity cards; printed invitations; lunch bags; personal organizers; original artwork prints; paper name badges; paper table cloths; photographic prints; social note cards; blank note cards; tissue paper; trading cards; printed wallet-sized identification cards for children; writing pads; ] posters; [ book plates; book marks; checkbook holders and covers; non-electronic personal planners and organizers; artist's materials, namely, pencils, pens, brushes, painting sets; rub down transfer; sketchbooks; desk baskets for desk accessories; gift wrapping paper; paper gift tags; paper gift bags; paper gift boxes; correspondence note paper; greeting cards; paper party decorations; paper napkins; paper gift wrapping ribbons; paper party bags; paper party hats; postcards; gift package decorations; ] stickers; [ sticker books; sticker kits comprised primarily of stickers and paper, sticker albums; cork boards; chalk boards for school and home use; memorandum boards; scrapbooks; non-magnetically coded telephone calling cards; ] playing cards; [ art reproductions; lithographs; lithographic prints; holograms. ] iron-on patches; [ calendars; cardboard figures; temporary tattoos; school and office supplies, namely, ] erasers [ , drafting and drawing rulers, pencils, pens, markers, glue for stationery or household use, desk top organizers, desk stands and holders for pens and pencils; adhesive tape for stationery or household use, paper clips, binders, dispensers for adhesive tapes for stationery or household purposes, clip boards, stationery, notepad and pencil sets, notepads, organizers for stationery use, pencil cases; pencil sharpeners; stationery portfolios, desk pads and stationery sets comprised of paper, envelopes, seals and notepads; stencils; sheet music; credit cards; bank checks and letter openers ]. FIRST USE: 19900309. FIRST USE IN COMMERCE: 19900309

**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 75815846**Filing Date** October 5, 1999

**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** March 5, 2002  
**Registration Number** 2649888  
**Registration Date** November 12, 2002  
**Owner** (REGISTRANT) S.F. Deluxe Productions, Inc. CORPORATION CALIFORNIA P.O. Box 883311 San Francisco CALIFORNIA 94188  
**Attorney of Record** Anne Hiaring Hocking  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
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**Word Mark** SPITFIRE

**Goods and Services** IC 014. US 002 027 028 050. G & S: Clocks; watches and watch cases; jewelry, namely pendants, lapel pins, ornamental pins, hat pins of precious metal, rings, chains, ankle bracelets, cuff-links, tie clips, tie fasteners, medallions, belt buckles of precious metal for clothing, and body-piercing rings and studs; articles of precious metal, namely, belt buckles, key chains, lapel pins, money clips; items made of precious metal, namely figures, figurines, statuettes, cigarette cases, collector plates, hat ornaments, chess sets, decorative boxes, candle holders, ashtrays and candlesticks. FIRST USE: 19980200. FIRST USE IN COMMERCE: 19980200

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75815847

**Filing Date** October 5, 1999

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** March 14, 2000

**Registration Number** 2448436

**Registration Date** May 1, 2001

**Owner** (REGISTRANT) S.F. Deluxe Productions, Inc. CORPORATION CALIFORNIA P.O. Box 883311 San Francisco CALIFORNIA 94188

**Attorney of Record** Anne Hiaring

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

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# spitfire

<b>Word Mark</b>	SPITFIRE
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Eyewear, namely sunglasses. FIRST USE: 19871101. FIRST USE IN COMMERCE: 20020201
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	78491138
<b>Filing Date</b>	September 29, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 13, 2005
<b>Registration Number</b>	<b>3023484</b>
<b>Registration Date</b>	December 6, 2005
<b>Owner</b>	(REGISTRANT) Spitfire Sunglass Design USA, Inc. CORPORATION FLORIDA 3624 N. Fremont #4 Chicago ILLINOIS 60613
<b>Attorney of Record</b>	Marcus Stephen Harris
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# SPITFIRE

<b>Word Mark</b>	SPITFIRE
<b>Goods and Services</b>	IC 014. US 002 027 028 050. G & S: Watches commemorating a World War II aircraft
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	76644494
<b>Filing Date</b>	August 9, 2005
<b>Current Filing Basis</b>	44E
<b>Original Filing Basis</b>	44E
<b>Published for Opposition</b>	January 9, 2007
<b>Registration Number</b>	3221076
<b>Registration Date</b>	March 27, 2007
<b>Owner</b>	(REGISTRANT) Richemont International SA CORPORATION SWITZERLAND Route des Biches 10 Villars-sur-Glâne SWITZERLAND
<b>Attorney of Record</b>	Lawrence E. Apolzon
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-24 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Tempest". This information has been obtained from the U.S. Patent and Trademark Office.



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### Typed Drawing

<b>Word Mark</b>	TEMPEST
<b>Goods and Services</b>	IC 041. US 107. G & S: entertainment services; namely, in the nature of a musical performing and recording group. FIRST USE: 19881020. FIRST USE IN COMMERCE: 19890915
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74382430
<b>Filing Date</b>	April 26, 1993
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 22, 1994
<b>Registration Number</b>	1837109
<b>Registration Date</b>	May 17, 1994
<b>Owner</b>	(REGISTRANT) SORBYE, LIEF INDIVIDUAL NORWAY 2155 Park Blvd., Suite #1 Oakland CALIFORNIA 94606-146
<b>Attorney of Record</b>	LIEF SORBYE
<b>Prior Registrations</b>	1773856
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040727.
<b>Renewal</b>	1ST RENEWAL 20040727
<b>Live/Dead Indicator</b>	LIVE

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<b>Word Mark</b>	TEMPEST
<b>Goods and Services</b>	IC 012. US 019 021 023 031 035 044. G & S: TIRES. FIRST USE: 20000209. FIRST USE IN COMMERCE: 20000209
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75874914
<b>Filing Date</b>	December 17, 1999
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 22, 2000
<b>Registration Number</b>	2462822
<b>Registration Date</b>	June 19, 2001
<b>Owner</b>	(REGISTRANT) TBC Corporation CORPORATION DELAWARE 4770 Hickory Hill Road Memphis TENNESSEE 381810342  (LAST LISTED OWNER) SUMITOMO CORPORATION CORPORATION JAPAN 1-8-11, HARUMI 1-CHOME CHUO-KU TOKYO JAPAN 104-8610
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	MARSHA G. GENTNER
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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<b>Word Mark</b>	TEMPEST
<b>Goods and Services</b>	IC 012. US 019 021 023 031 035 044. G & S: Motorcycles and structural parts therefore. FIRST USE: 20031031. FIRST USE IN COMMERCE: 20031031
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76472738
<b>Filing Date</b>	December 9, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 2, 2003
<b>Registration Number</b>	3002287
<b>Registration Date</b>	September 27, 2005
<b>Owner</b>	(REGISTRANT) TEMPEST CYCLES, INC. CORPORATION FLORIDA 260 HUNTING LODGE DRIVE MIAMI SPRINGS FLORIDA 33166
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Gregory A. Nelson
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# TEMPEST

<b>Word Mark</b>	TEMPEST
<b>Goods and Services</b>	IC 015. US 002 021 036. G & S: stringed musical instruments, namely guitars. FIRST USE: 19961231. FIRST USE IN COMMERCE: 19971231
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78923071
<b>Filing Date</b>	July 5, 2006
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 2, 2007
<b>Registration Number</b>	3220209
<b>Registration Date</b>	March 20, 2007
<b>Owner</b>	(REGISTRANT) Schecter Guitar Research, Inc. CORPORATION CALIFORNIA 1840 Valpreda Street Burbank CALIFORNIA 91504
<b>Attorney of Record</b>	Ronald Bienstock
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-25 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Vim".  
This information has been obtained from the U.S. Patent and Trademark  
Office.

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Word Mark	ULTRA-VIM
Goods and Services	IC 005. US 018. G & S: VITAMINS. FIRST USE: 19850402. FIRST USE IN COMMERCE: 19850402
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73532608
Filing Date	April 17, 1985
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 4, 1986
Registration Number	<b>1400865</b>
Registration Date	July 15, 1986
Owner	(REGISTRANT) PHARMACAPS, INC. CORPORATION NEW JERSEY P.O. BOX 547 1111 JEFFERSON AVENUE ELIZABETH NEW JERSEY 07207
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Vim

<b>Word Mark</b>	VIM
<b>Goods and Services</b>	(CANCELLED) IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements. FIRST USE: 20010801. FIRST USE IN COMMERCE: 20010801
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
<b>Serial Number</b>	76306657
<b>Filing Date</b>	August 30, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 18, 2001
<b>Registration Number</b>	<b>2547402</b>
<b>Registration Date</b>	March 12, 2002
<b>Owner</b>	(REGISTRANT) Guang Yan Corporation CORPORATION NEW YORK 141-07 20th Avenue Suite 502 Whitestone NEW YORK 11357
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	DEAD
<b>Cancellation Date</b>	December 20, 2008



Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-26 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Greyhound". This information has been obtained from the U.S. Patent and Trademark Office.

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<b>Word Mark</b>	GREYHOUND
<b>Goods and Services</b>	IC 034. US 017. G & S: SMOKING TOBACCO
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72216050
<b>Filing Date</b>	April 8, 1965
<b>Current Filing Basis</b>	44E
<b>Original Filing Basis</b>	44E
<b>Registration Number</b>	0821486
<b>Registration Date</b>	January 3, 1967
<b>Owner</b>	(REGISTRANT) JOHN CHAPMAN LIMITED CORPORATION SOUTH AFRICA Zählerweg 4 6300 Zug SWITZERLAND
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Renewal</b>	1ST RENEWAL 19870103
<b>Live/Dead Indicator</b>	LIVE

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**Typed Drawing**

<b>Word Mark</b>	GREYHOUND
<b>Goods and Services</b>	IC 033. US 047 049. G & S: WINES, SHERRIES, PORT, LIQUEURS, WHISKEYS, BOURBONS, GINS AND VODKAS
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73626807
<b>Filing Date</b>	October 23, 1986
<b>Current Filing Basis</b>	44E
<b>Original Filing Basis</b>	44D
<b>Published for Opposition</b>	October 13, 1987
<b>Registration Number</b>	<b>1679586</b>
<b>Registration Date</b>	March 17, 1992
<b>Owner</b>	(REGISTRANT) GOUIN S.A. CORPORATION FRANCE 2, RUE SAINT-ESTEPHE 75012, PARIS FRANCE  (LAST LISTED OWNER) HOUSE OF GREYHOUND COMPANY LTD., THE LIMITED LIABILITY ASSIGNEE OF UNITED KINGDOM 10 MELVILLE CRESCENT EDINBURGH EH3 7LU SCOTLAND
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	LAWRENCE E ABELMAN
<b>Priority Date</b>	July 3, 1986
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 8 (6-YR). SECTION 8(10-YR) 20020418.
<b>Renewal</b>	1ST RENEWAL 20020418
<b>Live/Dead Indicator</b>	LIVE

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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-27 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Finlandia". This information has been obtained from the U.S. Patent and Trademark Office.


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### Typed Drawing

<b>Word Mark</b>	FINLANDIA
<b>Goods and Services</b>	IC 033. US 049. G & S: VODKA. FIRST USE: 19700924. FIRST USE IN COMMERCE: 19700924
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73148491
<b>Filing Date</b>	November 14, 1977
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	<b>1115781</b>
<b>Registration Date</b>	March 27, 1979
<b>Owner</b>	(REGISTRANT) OY ALKO AB CORPORATION FINLAND SALMISAAREN RANTA 7 SF-00180 HELSINKI 18 FINLAND
	(LAST LISTED OWNER) FINLANDIA VODKA WORLDWIDE LTD. CORPORATION FINLAND Porkkalankatu 24 Helsinki FINLAND 00180
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David S. Gooder
<b>Prior Registrations</b>	0940225
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20081107.
<b>Renewal</b>	2ND RENEWAL 20081107
<b>Live/Dead Indicator</b>	LIVE

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Word Mark FINLANDIA

Goods and Services IC 029. US 046. G & S: CHEESE. FIRST USE: 19801030. FIRST USE IN COMMERCE: 19801030

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73452480

Filing Date November 14, 1983

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition January 7, 1986

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 1388433

Registration Date April 1, 1986

Owner (REGISTRANT) ATALANTA CORPORATION CORPORATION NEW YORK 17 VARICK ST. NEW YORK NEW YORK 10013

(LAST LISTED OWNER) VALIO LTD. CORPORATION FINLAND MEIJERITIE 6 HELSINKI FINLAND 00370

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record DANIEL D FETTERLEY

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060616.

Renewal 1ST RENEWAL 20060616

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Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-28 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Triumph". This information has been obtained from the U.S. Patent and Trademark Office.

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<b>Word Mark</b>	TRIUMPH
<b>Goods and Services</b>	IC 031. US 001. G & S: HYBRID GRAIN SORGHUM SEED, HYBRID FORAGE SORGHUM SEED, HYBRID SORGO-SUDAN SEED, HYBRID CORN SEED, HYBRID SUNFLOWER SEED AND SOYBEAN SEED. FIRST USE: 19810131. FIRST USE IN COMMERCE: 19810331
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73746547
<b>Filing Date</b>	August 16, 1988
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 7, 1989
<b>Registration Number</b>	1554959
<b>Registration Date</b>	September 5, 1989
<b>Owner</b>	(REGISTRANT) TEXAS TRIUMPH SEED CO., INC. DBA TRIUMPH SEED CO., INC. CORPORATION TEXAS Hwy. 62 Bypass, PO Box 287 RALLS TEXAS 79357
<b>Attorney of Record</b>	C. Joe Miller
<b>Prior Registrations</b>	1208795
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100209.
<b>Renewal</b>	1ST RENEWAL 20100209
<b>Live/Dead Indicator</b>	LIVE



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**Word Mark** TRIUMPH  
**Goods and Services** IC 014. US 027. G & S: watches. FIRST USE: 19861200. FIRST USE IN COMMERCE: 19861200  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 74114583  
**Filing Date** November 13, 1990  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** October 29, 1991  
**Registration Number** 2028061  
**Registration Date** January 7, 1997  
**Owner** (REGISTRANT) A Classic Time Watch Co., Inc. CORPORATION NEW YORK 10 WEST 33RD STREET NEW YORK NEW YORK 10001  
**Attorney of Record** BERNARD MALINA  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070330.  
**Renewal** 1ST RENEWAL 20070330  
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Word Mark	TRIUMPH
Goods and Services	IC 032. US 045 046 048. G & S: beer, ale and lager
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75789567
Filing Date	September 1, 1999
Current Filing Basis	44E
Original Filing Basis	1B
Published for Opposition	May 21, 2002
Registration Number	2606359
Registration Date	August 13, 2002
Owner	(REGISTRANT) Triumph Designs Limited CORPORATION UNITED KINGDOM Ashby Road Measham, Swadlincote Derbyshire DE12 7JP ENGLAND
Attorney of Record	Ronald E. Shapiro
Priority Date	January 17, 1998
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
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<b>Word Mark</b>	TRIUMPH
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: BINOCULARS AND SPOTTING SCOPES. FIRST USE: 20011200. FIRST USE IN COMMERCE: 20020600
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76419624
<b>Filing Date</b>	June 11, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 3, 2004
<b>Registration Number</b>	<b>2835907</b>
<b>Registration Date</b>	April 27, 2004
<b>Owner</b>	(REGISTRANT) Sheltered Wings, Inc. CORPORATION WISCONSIN Suite Four 2120 West Greenview Drive Middletown WISCONSIN 53562
<b>Attorney of Record</b>	Angela V. Langlotz
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
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# TRIUMPH

Word Mark	TRIUMPH
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Herbicides. FIRST USE: 20060112. FIRST USE IN COMMERCE: 20060112
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76646869
Filing Date	September 15, 2005
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	June 13, 2006
Registration Number	3307828
Registration Date	October 9, 2007
Owner	(REGISTRANT) Albaugh, Inc. CORPORATION IOWA 1525 NE 36th Street Ankeny IOWA 50021
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Adam W. Jones
Type of Mark	TRADEMARK
Register	PRINCIPAL
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# TRIUMPH

Word Mark	TRIUMPH
Goods and Services	IC 013. US 002 009. G & S: Firearms. FIRST USE: 20060331. FIRST USE IN COMMERCE: 20060331
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78897039
Filing Date	May 31, 2006
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 10, 2006
Registration Number	3314640
Registration Date	October 16, 2007
Owner	(REGISTRANT) Thompson Center Arms Company Inc. CORPORATION NEW HAMPSHIRE Farmington Road P.O. Box 5002 Rochester NEW HAMPSHIRE 03867
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Susan Daly Stearns
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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# TRIUMPH

**Word Mark** TRIUMPH**Goods and Services** IC 034. US 002 008 009 017. G & S: Smokeless tobacco, snuff, tobacco powder, namely, snus. FIRST USE: 20080128. FIRST USE IN COMMERCE: 20080128**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 77088684**Filing Date** January 23, 2007**Current Filing Basis** 1A**Original Filing Basis** 1B**Published for Opposition** June 5, 2007**Registration Number** 3419340**Registration Date** April 29, 2008**Owner** (REGISTRANT) Lorillard Licensing Company, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 1601 Wachovia Tower, 300 N. Greene St. Greensboro NORTH CAROLINA 27401**Attorney of Record** Howard A. MacCord, Jr.**Prior Registrations** 2009830**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

Opposition No. 91184456; Mark: L'OREAL PARIS; Appl. No. 76/596,736; Comm-J

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
(TRANSMITTAL INFORMATION AND MAILING CERTIFICATION)**

In the matter of Application Serial No. 76/596,736

Published in the Official Gazette on May 6, 2008

**Trademark:** **L'OREAL PARIS**

Opposition Number: 91184456

Plaintiff (Opposer): L'OREAL S.A. and L'OREAL USA, INC.

Defendant (Applicant): ROBERT VICTOR MARCON

**EXHIBIT-29 TO DEFENDANT'S NOTICE OF RELIANCE**

Remarks: This exhibit provides various USPTO printouts regarding the mark "Dutch Boy". This information has been obtained from the U.S. Patent and Trademark Office.

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<b>Word Mark</b>	DUTCH BOY
<b>Goods and Services</b>	IC 031. US 046. G & S: Fresh Deciduous Fruits and Grapes. FIRST USE: 19420801. FIRST USE IN COMMERCE: 19420801
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	72127523
<b>Filing Date</b>	September 8, 1961
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0730893
<b>Registration Date</b>	May 1, 1962
<b>Owner</b>	(REGISTRANT) BALLANTINE PRODUCE CO., INC. DBA BALLANTINE PRODUCE CO. CORPORATION CALIFORNIA P.O. BOX. 185 SANGER CALIFORNIA
<b>Attorney of Record</b>	THOMAS A. DIRKSEN
<b>Prior Registrations</b>	0323352
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020630.
<b>Renewal</b>	2ND RENEWAL 20020630
<b>Live/Dead Indicator</b>	LIVE



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**Word Mark** DUTCH BOY  
**Goods and Services** IC 002. US 016. G & S: PAINTS. FIRST USE: 19130000. FIRST USE IN COMMERCE: 19130000  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 73207470  
**Filing Date** March 15, 1979  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** April 1, 1980  
**Registration Number** 1138549  
**Registration Date** August 12, 1980  
**Owner** (REGISTRANT) DUTCH BOY, INC. CORPORATION PENNSYLVANIA 500 CENTRAL AVE. NORTHFIELD ILLINOIS 60093  
(LAST LISTED OWNER) SWIMC, INC CORPORATION BY ASSIGNMENT DELAWARE PO Box 657 Newark DELAWARE 197150657  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** ROBERT E. MCDONALD, REG. NO. 29,193  
**Prior Registrations** 0062136;1100462;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100302.  
**Renewal** 2ND RENEWAL 20100302  
**Live/Dead Indicator** LIVE

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## Typed Drawing

<b>Word Mark</b>	DUTCH BOY
<b>Goods and Services</b>	IC 016. US 002 005 022 023 029 037 038 050. G & S: applicators for clear and pigmented coatings used in the nature of paint, namely, brushes, roller covers and sponges. FIRST USE: 20000426. FIRST USE IN COMMERCE: 20000426
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75861626
<b>Filing Date</b>	December 1, 1999
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 22, 2000
<b>Registration Number</b>	2456418
<b>Registration Date</b>	May 29, 2001
<b>Owner</b>	(REGISTRANT) Sherwin-Williams Company, The CORPORATION OHIO 101 Prospect Avenue, NW Cleveland OHIO 441151075  (LAST LISTED OWNER) SWIMC, INC. CORPORATION DELAWARE 300 DELAWARE AVENUE SUITE 522 WILMINGTON DELAWARE 198011607
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Vivien Y. Tsang, Reg. No. 40,209
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
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